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Volume 7
Oral Testimony

FINAL SUPPLEMENT ENVIRONMENTAL IMPACT STATEMENT

Waste Isolation Pilot Plant

Volume 7 of 13

January 1990

U.S. DEPARTMENT OF ENERGY
Office of Environmental Restoration
and Waste Management

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U.S. DEPARTMENT OF ENERGY
Office of Environmental Restoration and Waste Management
Washington, D.C. 20585

COVER SHEET

RESPONSIBLE AGENCIES:

Lead Agency: U.S. Department of Energy (DOE)
Cooperating Agency: U.S. Department of the Interior, Bureau of Land Management (BLM)

TITLE:

Final Supplement, Environmental Impact Statement, (SEIS), Waste Isolation Pilot Plant (WIPP)

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ABSTRACT:

In 1980, the DOE published the Final Environmental Impact Statement (FEIS) for the WIPP. This FEIS analyzed and compared the environmental impacts of various alternatives for demonstrating the safe disposal of transuranic (TRU) radioactive waste resulting from DOE national defense related activities. Based on the environmental analyses in the FEIS, the DOE published a Record of Decision in 1981 to proceed with the phased development of the WIPP in southeastern New Mexico as authorized by the Congress in Public Law 96-164.

Since publication of the FEIS, new geological and hydrological information has led to changes in the understanding of the hydrogeological characteristics of the WIPP site as they relate to the long-term performance of the underground waste repository. In addition, there have been changes in the information and assumptions used to analyze the environmental impacts in the FEIS. These changes include: 1) changes in the composition of the TRU waste inventory, 2) consideration of the hazardous chemical constituents in TRU waste, 3) modification and refinement of the system for the transportation of TRU waste to the WIPP, and 4) modification of the Test Phase.

The purpose of this SEIS is to update the environmental record established in 1980 by evaluating the environmental impacts associated with new information, new circumstances, and proposal modifications. This SEIS evaluates and compares the Proposed Action and two alternatives.

The Proposed Action is to proceed with a phased approach to the development of the WIPP. Full operation of the WIPP would be preceded by a Test Phase of approximately 5 years during which time certain tests and operational demonstrations would be carried out. The elements of the Test Phase, tests and operations demonstration, continue to evolve. These elements are currently under evaluation by the DOE based on comments from independent groups such as the Blue Ribbon Panel, the National Academy of Sciences, the Environmental Evaluation Group, and the Advisory Committee on Nuclear Facility Safety. At this time, the Performance Assessment tests would be comprised of laboratory-scale, bin-scale, and alcove-scale tests. The DOE, in December 1989, issued a revised draft final Test Phase plan that focuses on the Performance Assessment tests to remove uncertainties regarding compliance with long-term disposal standards (40 CFR 191 Subpart B) and to provide confirming data that there would be no migration of hazardous constituents (details are available in Subsection 3.1.1.4 and Appendix O). The tests would be conducted to reduce uncertainties associated with the prediction of natural processes that might affect long-term performance of the underground waste repository. Results of these tests would be used to assess the ability of the WIPP to meet applicable Federal standards for the long-term protection of the public and the environment. The operational demonstrations would be conducted to show the ability of the TRU waste management system to certify, package, transport, and emplace TRU waste in the WIPP safely and efficiently. Waste requirements for the Integration Operations Demonstration remain uncertain. A separate document would be developed to describe in detail the Integration Operations Demonstration following the DOE's decision as to the scope and timing of the demonstration.

During the Test Phase, National Environmental Policy Act (NEPA) requirements would be reviewed in light of the new information developed and appropriate documentation would be prepared. In addition, the DOE will issue another SEIS at the conclusion of the Test Phase and prior to a decision to proceed to the Disposal Phase. This SEIS will analyze in more detail the system-wide impacts of processing and handling at each of the generator/storage facilities and will consider the system-wide impacts of potential waste treatments.

Upon completion of the Test Phase, the DOE would determine whether the WIPP would comply with U.S. Environmental Protection Agency (EPA) standards for the long-term disposal of TRU waste (i.e., 40 CFR Part 191, Subpart B; 40 CFR Part 268). The WIPP would enter the Disposal Phase if there was a favorable Record of Decision based on the new SEIS to be prepared prior to the Disposal Phase and if there was a determination of compliance with the EPA standards and other regulatory requirements. During this phase, defense TRU waste generated since 1970 would be shipped to and disposed of at the WIPP. After completion of waste emplacement, the surface facilities would be decommissioned, and the WIPP underground facilities would serve as a permanent TRU waste repository.

The first alternative, No Action, is similar to the No Action Alternative discussed in the 1980 FEIS. Under this alternative, there would be no research and development facility to demonstrate the safe disposal of TRU waste, and TRU waste would continue to be stored. Storage of newly generated TRU mixed waste would be in conflict with the Resource Conservation and Recovery Act (RCRA) Land Disposal Restrictions; treatment would be required to avoid such conflict. The WIPP would be decommissioned as a waste disposal facility and potentially put to other uses.

The second alternative to the Proposed Action is to conduct the bin-scale tests at a facility other than the WIPP and to delay emplacement of TRU waste in the WIPP underground until a determination has been made of compliance with the EPA standards for TRU waste disposal (i.e., 40 CFR Part 191, Subpart B). The bin-scale tests could be conducted outside the WIPP underground facilities in a specially designed, aboveground facility. The implications of this alternative include delays in both the operational demonstrations and alcove-scale tests, the lack of alcove-scale test data for the compliance demonstration, and placing the WIPP facilities in a "standby" mode. The specialized facility for aboveground bin-scale tests could be constructed at any one of the DOE facilities. In order to analyze the environmental impacts of this alternative in the final SEIS, the DOE has evaluated the Idaho National Engineering Laboratory in Idaho as a representative facility for the aboveground bin-scale tests.

ADDITIONAL INFORMATION:

The 1980 FEIS was reprinted and provided to the public with the draft SEIS which was published April 21, 1989. Public comments on the draft SEIS were accepted for a period of 90 days after publication. During that time, public hearings were conducted in Atlanta, Georgia; Pocatello, Idaho; Denver, Colorado; Pendleton, Oregon; Albuquerque, Santa Fe and Artesia, New Mexico; Odessa, Texas; and Ogden, Utah.

This final SEIS for the WIPP project is a revision of the draft SEIS published in April 1989. It includes responses to the public comments received in writing and at the public hearings and revisions of the draft SEIS in response to the public comments. Revisions of importance have been identified in this final SEIS by vertical lines in the margins to highlight changes made in response to comments.

Volumes 1 through 3 of the final SEIS contain the text, appendices, and the summary comments and responses, respectively. Volumes 6 through 13 of the final SEIS contain reproductions of all of the comments received on the draft SEIS, and Volumes 4 and 5 contain the indices to Volumes 6 through 13. An Executive Summary and/or Volumes 1 through 5 of the final SEIS have been distributed to those who received the draft SEIS or requested a copy of the final SEIS. Although not distributed to all who commented on the draft SEIS, Volumes 1 through 13 of the final SEIS have been placed in the reading rooms and libraries listed in Appendix K; these volumes will be mailed to the general public upon request.

A notice of availability of the final SEIS has been published by the EPA in the Federal Register. The DOE will make a decision on implementation of the Proposed Action or the alternatives no earlier than 30 days after publication of the EPA notice of availability. The DOE's decision will be documented in a publicly available Record of Decision to be published in the Federal Register and distributed to all who receive this final SEIS.

FOREWORD

The comment and response volume and comment (reproduced public comments) volumes of the Final Supplement to the Environmental Impact Statement (SEIS) for the Waste Isolation Pilot Plant (WIPP) have been prepared in compliance with the Council on Environmental Quality (CEQ) regulations 40 CFR 1503.4 and 1506.6, which provide for the consideration of comments received during the public comment period on the draft SEIS. Volume 3 contains responses by the Department of Energy (DOE) to summaries of the approximately 9,000 pages of comments the DOE received from about 2,200 individuals during the public comment period and during nine public hearings conducted in May, June, and July, 1989. All comments received are reproduced in Volumes 6 through 13. Volumes 4 and 5 contain indices to Volumes 6 through 13.

On February 17, 1989, the DOE announced the preparation of a supplement to the 1980 Final Environmental Impact Statement (FEIS) for the WIPP in a Federal Register notice (54 FR 7251). On April 21, 1989, the DOE published another notice in the Federal Register (54 FR 16350) announcing the availability of the draft SEIS, a 60-day public comment period, and the schedule, locations, and procedures for six public hearings. On June 12, 1989, a notice was published (54 FR 24940), announcing two additional hearings on the draft SEIS, in Texas and New Mexico, and a 7-day extension of the comment period. On June 26, 1989, a notice was published (54 FR 26828) announcing a third additional public hearing on the draft SEIS, in Ogden, Utah, and an extension of the public comment period to July 11, 1989. In response to requests, the public comment period was extended to July 20, 1989 (90 days total), to ensure that all interested citizens had time to comment (54 FR 20909). Nine public hearings were held as follows:

Atlanta, Georgia	May 25, 1989
Pocatello, Idaho	June 1, 1989
Denver, Colorado	June 6, 1989
Pendleton, Oregon	June 8, 1989
Albuquerque, New Mexico	June 13-14, 1989
Santa Fe, New Mexico	June 15-17, 1989
Artesia, New Mexico	June 22, 1989
Odessa, Texas	June 26, 1989
Ogden, Utah	July 10, 1989

On April 13, 1989, copies of the 1980 FEIS and the draft SEIS were distributed to U.S. legislators, Federal agencies, and Governors of the 23 affected States. On April 14, copies of the documents were sent to State agencies, State public libraries, legislators of the 23 States, DOE reading rooms, and to local, State, and national public interest groups. Current generator facilities' mailing lists were obtained and also used. Copies of the 1980 FEIS and the draft SEIS were provided to the public and media upon request.

HANDLING OF COMMENT AND RESPONSES

At the beginning of the public comment period, a procedure was established to receive, document, identify, and summarize public comments. Each comment (written, oral, exhibit, or question/answer session) has been assigned an identification number and is reproduced in Volumes 6 through 13 of the final SEIS.
The identification numbers assigned were as follows:

- TGXXXXX = Oral testimony given at the Atlanta, Georgia, hearing on May 25, 1989.
- TPXXXXX = Oral testimony given at the Pocatello, Idaho, hearing on June 1, 1989.
- TDXXXXX = Oral testimony given at the Denver, Colorado, hearing on June 6, 1989.
- TOXXXXX = Oral testimony given at the Pendleton, Oregon, hearing on June 8, 1989.
- TQXXXXX = Oral testimony given at the Albuquerque, New Mexico, hearing on June 13-14, 1989.
- TSXXXXX = Oral testimony given at the Santa Fe, New Mexico, hearing on June 15-17, 1989.
- TAXXXXX = Oral testimony given at the Artesia, New Mexico, hearing on June 22, 1989.
- TTXXXXX = Oral testimony given at the Odessa, Texas, hearing on June 26, 1989.
- TUXXXXX = Oral testimony given at the Ogden, Utah, hearing on July 10, 1989.
- WDXXXXX = Written document sent to the DOE during the comment period.
- EXXXXXX = Exhibits (e.g., written testimonies, letters, pictures, poems) submitted at the hearings.
- QXXXXX = Questions asked during the hearing by recognized sources.
- XXXXX = Numbers designating the order in which the comments were received.

The approximately 9,000 pages of comments received from about 2,200 individuals were reviewed, and specific issues, questions, and statements within each were identified. Each issue, question, and statement was identified by topic, and assigned a number (e.g., 2.2-1). Similar comments were frequently raised by a number of different reviewers. These were summarized into a single comment and response. Editorial comments were simply incorporated into the text of the final SEIS.

All letters, transcriptions of oral testimony (including question/answer sessions), and accompanying exhibits were electronically reproduced and are included in Volumes 6 through 13 of the final SEIS.

Figure 1 shows how the comments were handled from receipt to inclusion in the final SEIS.

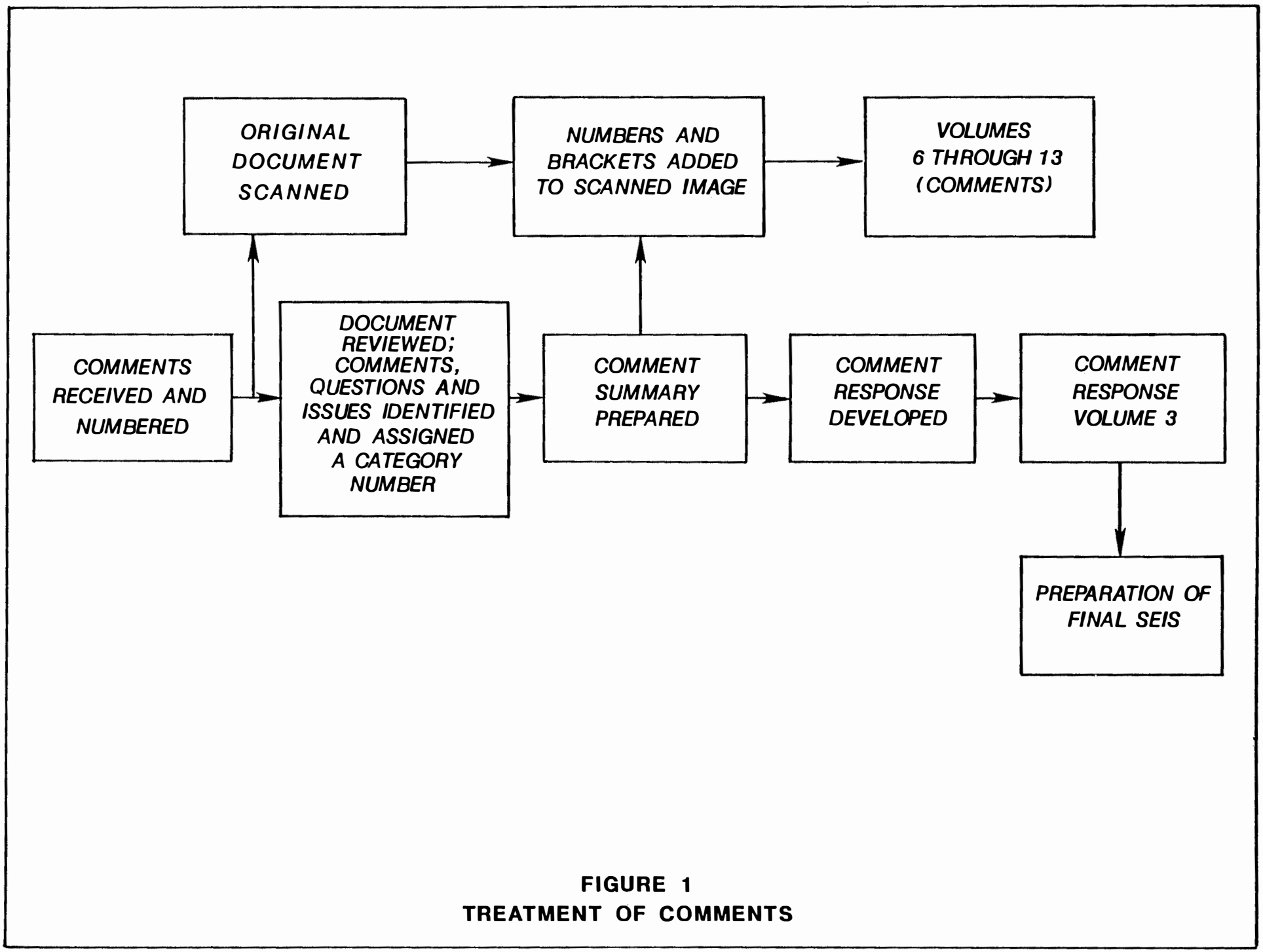

FIGURE 1
TREATMENT OF COMMENTS

FINDING RESPONSES TO COMMENTS

This volume is 1 of 13 volumes that make up the final SEIS for the WIPP Project. Volumes 6 through 13 reproduce the public comments received on the draft SEIS. The numbers and corresponding titles of each volume are as follows:

Volume No.	Title
-	Executive Summary
1	Final Supplement Environmental Impact Statement
2	Final Supplement Environmental Impact Statement - Appendices
3	Final Supplement Environmental Impact Statement - Public Comments and Responses
4	Final Supplement Environmental Impact Statement - Index A
5	Final Supplement Environmental Impact Statement - Indices B,C,D,E
6	Final Supplement Environmental Impact Statement - Oral Testimony (Testimony for hearings held in Atlanta, GA; Pocatello, ID; Denver, CO; and Albuquerque, NM)
7	Final Supplement Environmental Impact Statement - Oral Testimony (Testimony for hearings held in Santa Fe, NM)
8	Final Supplement Environmental Impact Statement - Oral Testimony (Testimony for hearings held in Santa Fe, NM)
9	Final Supplement Environmental Impact Statement - Oral Testimony (Testimony for hearings held in Santa Fe, NM; Artesia, NM; Odessa, TX; and Ogden, UT)
10	Final Supplement Environmental Impact Statement - Exhibits
11	Final Supplement Environmental Impact Statement - Exhibits
12	Final Supplement Environmental Impact Statement - Written Documents
13	Final Supplement Environmental Impact Statement - Written Documents

The indices located in Volumes 4 and 5 will help locate specific questions or statements in a letter, exhibit, or transcript of oral testimony, and the DOE's response. Numbers appear in the margins of Volumes 6 through 13 and refer to summary comments. Both the summary comment and the DOE's response are located under the comment number in Volume 3. In this way, each specific comment can be traced from the original to a summary comment and the DOE's response.

Index A (Volume 4) is an alphabetical listing of all individuals and organizations who submitted comments, either in oral or written form. To the right of each name is a list of all the comment numbers assigned to statements or questions made by the commenter and the DOE's response. The volume and page number where the testimony is located are also found in Index A. Indices B through D (Volume 5) are similar to Index A, with the exception that the names of the individuals and organizations are listed in the order that their comments were received. Index B is a listing of oral testimonies. Index C lists exhibits. Index D lists written documents. As in Index A, opposite each commenter's name is a listing of the summary comment numbers which identify specific comments extracted from that individual's or organization's submittal, and the volume and page number where an individual's reproduced comment is located.

Index E (Volume 5) provides a numerical listing of the summary comment and response numbers contained in Volume 3. Listed opposite each summary comment number are the submittal numbers of each individual or organization that made the specific comment that is addressed by the summary comment and response.

As an aid to the reader in locating information in Volumes 6 through 13, the following instructions are provided:

1. To find your specific comment and the DOE response

   - Look in Index A in Volume 4.
   - Find your name (names are in alphabetical order).
   - Summary comments and responses are identified by numbers located to the right of your name.
   - Find the summary comment number in Volume 3. (Comment numbers are listed in numerical order.)
   - Beneath the summary comment number in Volume 3 will be a comment summary which represents your comment.
   - The DOE's response to your comment is directly below the comment summary.

2. To find the reproduction of your comments in Volumes 6 through 13

   - Look in Index A in Volume 4.
   - Find your name (names are in alphabetical order).
   - Find the volume and page number located to the right of your name.
   - The reproduction of your comment will appear within the volume identified.

3. To find the comments of others who made the same comment

   - Look in Index A in Volume 4.
   - Find your name (names are in alphabetical order).
   - Look under the Summary Comment/Response number heading.
   - Find the Summary Comment/Response numbers that were extracted from your submittal.
   - Look in Index E in Volume 5.
   - Find the Summary Comment/Response number in Index E that was by your name in Index A. (Index E lists the comment numbers in numerical order.)
   - Look at the document numbers opposite that comment number. (Each number identifies an individual who made a comment similar to yours.)
   - Go to Index B in Volume 5 if the number begins with a TG, TP, TD, TO, TQ, TU, TS, TA, TT, or QT (e.g., TG00034, TU00645, QT00034).
   - Go to Index C in Volume 5 if the number begins with EX (e.g., EX00110, EX00214).
   - Go to Index D in Volume 5 if the number begins with WD (e.g., WD00468, WD00030).

- Indices B, C, and D (Volume 5) list the document numbers in numerical order.
- Find the name of the person or organization and the location of their reproduced comment.
- Look up the reproduced comment in Volumes 6 through 13 as appropriate.

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BEFORE THE UNITED STATES DEPARTMENT OF ENERGY

IN THE MATTER OF THE SUPPLEMENT)
TO THE ENVIRONMENTAL IMPACT)
STATEMENT FOR THE WASTE ISOLATION)
PILOT PLANT PROJECT)

TRANSCRIPT OF PROCEEDINGS

June 15, 1989

Day Session - 9:00 AM

Main Room

at

Sweeney Canter
Santa Fe, New Mexico 87501

BEFORE

ROY EIGUREN, Hearing Officer
JOHN ARTHUR, DOE
JAMES BICKEL, DOE
RICHARD MARQUEZ, DOE
DAVID LECHEL, DOE
CRITZ GEORGE, DOE
TOM JONES, DOE
ARLEN HUNT, DOE

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MR. EIGUREN: Ladies and gentlemen, we'd like to now come to order please, ask that you please take your seats. At this time I will formally open this morning's public hearing.

This is United States Department of Energy proceeding EIS 0026-DS, being held on June 15th, 1989, in Santa Fe, New Mexico, for the purpose of receiving public comment regarding the Draft Supplemental Environmental Impact Statement prepared in relationship to the proposed operation of Department of Energy's Waste Isolation Pilot Plant located in Carlsbad, New Mexico.

My name is Roy Eiguren, I'm an attorney in private practice with the law firm of Lindsay, Hart, Neil and Weigler, who has offices in Portland, Oregon; Boise, Idaho; Seattle, Washington; San Francisco, California; and Washington, DC. My practice and that of my law firm is heavily concentrated in energy and environmental and natural resource law. I've had over eleven years' experience in conducting and participating in hearings such as this.

I have been retained by the Department of Energy as an independent hearings officer to help assure that all interested persons and organizations have the opportunity to accomplish two things today at the hearing.

First, obtain information relative to the Department of Energy's proposed operation of the Waste

Isolation Pilot Plant, or WIPP as it's known, with a particular emphasis on key environmental issues that have been identified relative to its operation.

Second, provide comments on all significant issues for additional environmental evaluation and analysis in the development of the Final Supplemental Environmental Impact Statement associated with the plant.

In my role as the hearings officer I do not serve as an advocate for or against the Department of Energy's proposed action in this proceeding. I'm not an employee of the Department of Energy. I have no vested interest in whether WIPP commences operation or does not commence operation. My sole purpose of this hearing, as well as the other hearings I've conducted, is to provide all interested persons and organizations a fair and equal opportunity to comment on the record relative to issues of concern dealing with the potential environmental impacts of the proposed action.

At this point I'm going to introduce the senior representatives from the Department of Energy who will be with me at this table as the official hearings panel for this particular hearing.

They are Mr. John Arthur, Mr. Arthur is the project manager for the WIPP SEIS; Mr. James Bickel, Mr. Bickel is the assistant manager for projects and energy programs in the Department of Energy's Albuquerque Operations Office; and

Mr. Richard Marquez, who is director of intergovernmental affairs at the Albuquerque Operations Office.

In addition to these gentlemen, other departmental officials, as well as departmental contract personnel who are associated with the pilot project plant, are in attendance at this hearing.

Immediately after my opening remarks Mr. Arthur will provide background information pertinent to the preparation of the Supplemental Environmental Impact Statement, or SEIS, and will discuss items and alternatives that have been evaluated in it.

I now would like to briefly describe the federal environmental decision-making process that is applicable to the WIPP Project.

The National Environmental Policy Act, or NEPA, requires that potential environmental impacts of major federal decisions be assessed by federal agencies and the public be given the opportunity to consider and comment on those impacts. This process is accomplished through the preparation of an Environmental Impact Statement, or EIS, which in turn is made available to the public. Hearings such as the one today are then held to receive public input on the document itself.

The Environmental Impact Statement process is governed by the Council on Environmental Quality regulations implementing the National Environmental Policy Act and by

guidelines of the Department of Energy. The Council on Environmental Quality is an agency within the executive office of the President of the United States. These guidelines and regulations in their entirety have been previously marked by me and submitted as Exhibit Number 1 for the record of the proceeding.

Publication of a Federal Register notice in the Federal Register, entitled Notice of Availability, dated April 21, 1989, initiated this Supplemental Environmental Impact Statement process. This April 21, 1989, Notice of Availability commenced a sixty-day comment period during which all interested parties may provide input concerning the SEIS to insure all significant issues are identified for consideration prior to its finalization. I have marked and included as Exhibit 2 in the record of this proceeding a copy of the Federal Register notice that I have referenced.

The Department of Energy developed and completed an Environmental Impact Statement concerning the construction of WIPP in 1980. With the completion of the project construction and the department's proposed operation of WIPP, now scheduled for September of this year, the department has prepared a Draft Supplemental Environmental Impact Statement to address additional issues associated with project operation that have been identified between 1980 and now. Receipt of public comment on this draft statement is the purpose of the

meeting. Mr. Arthur will discuss the issues that are contained in the SEIS in his presentation which follows mine.

To assure all parties potentially interested in commenting on this Supplemental Environmental Impact Statement were informed of its preparation and availability and offered the opportunity to provide input, the Department of Energy conducted a significant number of public involvement and information activities in advance of this hearing. These activities included issuing news releases, fact sheets, and consultations with public interest groups, consultations with governors, federal and state agencies, Indian tribes, conducting public meetings and related activities. The comprehensive list of these activities has been marked and included by me as Exhibit Number 3 in the record of the proceeding.

This hearing is a part of the public comment process, and it provides another opportunity for interested parties to provide input. Both oral and written comments received at this hearing will receive equal consideration along with written comments that are submitted throughout the comment period. Public hearings on the SEIS have already been held in Atlanta, Georgia; Pocatello, Idaho; Pendleton, Oregon; Denver, Colorado; and Albuquerque, New Mexico. The department has recently announced additional public hearings in Midland, Texas, and Artesia, New Mexico.

Comments received on the Supplemental Environmental Impact Statement will be considered by the department in finalizing the statement itself. I would stress as the written record is being developed, this and the other public hearings being held in this series, they will be used as a legal basis for the department in finalizing the SEIS. Accordingly, the Department of Energy has the option at the completion of this public process to either modify the Supplemental Environmental Impact Statement or keep it in its present form.

Based on the Supplemental Environmental Impact Statement, either as modified or as it is, that decision making for WIPP completion and potential operation will lead to the issuance of a Record of Decision, or ROD, by the Department of Energy in compliance with NEPA implementing regulations. The ROD will define with particularity reasons why the department has concluded that it can or cannot commence operation of the WIPP plant at a certain date.

The Bureau of Land Management of the Department of the Interior is a cooperating agency with DOE in the preparation of the SEIS. Written comments on the SEIS and comments made at these public hearings will also be used by BLM in processing DOE's application for an administrative land withdrawal for the WIPP site located near Carlsbad.

At this time I would like to briefly describe the

procedures we're using and the conduct of these hearings. These procedures, developed by the Department of Energy in consultation with both myself and public interest groups, have been developed for the goal of maximizing public input. Copies of these procedures are available at the registration table.

First, all participants at this hearing will be listed in the record, as well the comments they present orally. To the extent that any of you have written comment for the record, I would ask that you submit it to me as a supplement to your oral comment. We will mark it as an exhibit and include it in the record. As I mentioned earlier, written comments receive the same weight in the record of this proceeding as do oral comments.

Secondly, to the extent that anyone is unable to speak today and would like to present written comment for the record, you may do so before the close of the comment period, and enclosed in the comment period will be accounts by Mr. Arthur and his presentation. We do have the appropriate address for you to send your written comments to at the registration table outside this hearing room.

Following my comments the Department of Energy, through Mr. Arthur, will present an overview of the issues analyzed in the Supplemental Environmental Impact Statement, and then following that I will receive for the record a procedural objection relative to this hearing that has been

raised by the Concerned Citizens for Nuclear Safety, and then after that we will begin the receipt of public comment, first from elected, federal, state and local officials, designated spokesmen for Indian tribes and public interest groups.

Elected officials and designated representatives of the tribes and public interest groups will have ten minutes to make their presentations. Following that each elected official and designated spokesman will be allowed to ask a question and a follow-up question of the DOE panel that's here in front of the room.

Following that we will begin receipt of comment from members of the public. During the public comment period individuals who have preregistered will be called forward first to present their testimony. Each commentor will be allowed five minutes to offer their comments and suggestions for the record. Individuals who today at the door request the opportunity to comment will be accommodated in the order in which they registered.

To accommodate all individuals who want to testify, beginning at 9:00 p.m. this evening and continuing throughout the evening, and again beginning tomorrow morning at 7:00 a.m. throughout the day, and again on Saturday beginning at 7:00 a.m. throughout the day, at this Convention Center we will conduct parallel hearings to receive public comment. At this point we have over 600 individuals signed up to testify at

this hearing. Accordingly, the only way that we can accommodate the significant numbers of individuals is to have parallel hearings. It is not my intention -- we'll get to that, ladies and gentlemen, in a moment. Mr. Miller has a comment for the record on that.

Though it is not my intention to limit the scope of comments in any way, I would indicate that only comments related to the proposed operation of WIPP are relevant to this Supplemental Environmental Impact Statement process.

I'd like to close by stating that this is a formal hearing under NEPA, and, accordingly, it is a recorded proceeding. That is to say, everything that is said at this, as well as the other public hearings in this proceeding, has been and will be recorded by a court reporter here who is with me in the front of the room. A full transcript of these proceedings will be made, and the department's decision making of the proceeding will be on the basis of the record that we develop at these public hearings. Accordingly, it's imperative that in order to develop a complete record of public concerns at these hearings that when you do speak you come forward to the podium to the front, speak audibly in the microphone so that we can capture your comments.

Finally, just a brief word about decorum. I fully understand the subject of this hearing is a matter of very strong emotion, particularly in the State of New Mexico. I'm

not going to object to displays of such emotion if you want to applaud, cry, scream, whatever. You may do so. The only request that I make of you is that you not do so during the actual comment by commentors. I do want to be able to give everyone the opportunity to exercise their First Amendment NEPA privileges without interruption. So if you're going to be making displays of emotion, please do so between commentors. I'd greatly appreciate your help in that regard.

With that I will now turn it over to Mr. Arthur, who will give a departmental overview, and following that Mr. Miller will step up and state an objection.

Mr. Arthur.

MR. ARTHUR: Good morning. My name is John Arthur, and I am with the Department of Energy Albuquerque Operations Office. I am project manager for the Supplement to the Environmental Impact Statement for the Waste Isolation Pilot Plan, hereafter referred to as the WIPP.

I would like to welcome all of you to today's hearing. This is the sixth of eight hearings the Department of Energy will be holding on this draft supplement.

The WIPP facility is located in southeastern New Mexico, near the City of Carlsbad. In 1979 Congress passed Public Law 96-164 which authorized WIPP.

In 1980 the Department of Energy issued a final Environmental Impact Statement on the WIPP, and in 1981 a

Record of Decision was issued selecting the New Mexico site.

WIPP is the federal government's first nuclear repository and may ultimately receive waste from up to ten sites nationwide, including the Mound Facility of Ohio, Oak Ridge National Laboratory in Tennessee, Savannah River Plant in South Carolina, Argonne National Laboratory - East in Illinois, Rocky Flats Plant in Colorado, Idaho National Engineering Laboratory in Idaho, Los Alamos National Laboratory here in New Mexico, Lawrence Livermore National Laboratory in California, Hanford Reservation in Washington, and the Nevada Test Site in Nevada.

Only defense-related transuranic waste will be shipped for the disposal at the WIPP facility. Transuranic, or better known as TRU waste, is waste contaminated with alpha-emitting radionuclides that are heavier than uranium with half-lives greater than twenty years and in concentrations greater than 100 nanocuries per gram of waste. Alpha-emitting radionuclides are a type of radiation that generally cannot penetrate the outer layer of the skin but are a significant hazard if inhaled or ingested.

The Department of Energy has placed a high priority on the September, 1989, opening of the WIPP, and over the past year the WIPP facility has become the focus of national attention. Many agencies are involved in the WIPP, including the Environmental Protection Agency, which

promulgates standards for radioactive waste disposal, and for which the Department of Energy has filed a permit to demonstrate compliance with the Resource Conservation Recovery Act; the Nuclear Regulatory Commission, which is currently conducting a certification review on the TRUPACT transportation container; the Bureau of Land Management, which currently has title to the land on which the WIPP facility is located.

BLM is also currently involved in an administrative land withdrawal to transfer jurisdiction of the land from the Department of Interior to the Department of Energy. BLM was also a cooperating agency in this supplement to the EIS.

Congress is currently working on a legislative land withdrawal to transfer title of land from BLM to DOE. This is the DOE preferred course of action on the land transfer.

The WIPP facility may ultimately also involve over twenty states, either by location of the ten generator or storage sites, or through the proposed transportation routes.

The purpose of today's hearing most importantly is to receive input from you on the Supplement to this EIS. Several goals are achieved by this. First of all, it meets the intent of the National Environmental Policy Act. Secondly, this ensures your input into federal agency decision making and also enhances communication on the WIPP mission.

Much valuable input has been gained to date on the WIPP, starting with public comment of the 1980 EIS. Also, significant consultations have been made in preparation of this draft document. This has resulted in specific analysis for specific state highway accident data, analysis of an upward bounding case transportation accident, and the detailed description of emergency response and preparedness plan.

Now I'd like to discuss the WIPP mission. First of all, Congress passed Public Law 96-164 in 1979 which authorized WIPP and exempted DOE from NRC oversight. The facility is intended to demonstrate that transuranic waste can be disposed of safely and permanently. This eliminates reliance upon on-site temporary storage of transuranic waste. Also, through the experience gained from mining techniques and all of my waste emplacement, WIPP will provide valuable waste disposal technologies for use in many programs, including the department's high-level waste program.

The salt formation near Carlsbad was selected because salt beds are geologically stable. The salt beds are over 225 million years old. Also, salt indicates an absence of flowing fresh water, it is easily mined, and it also has good thermal characteristics. This means the salt has heat-absorbing capacity, and some of the transuranic waste will produce a limited amount of heat. Also, it is relatively plastic, which means fractures in the salt rapidly enclose or

heal.

The WIPP has always been planned for phase development. In 1980 the Final Environmental Impact Statement examined four alternatives for transuranic waste disposal. In 1981 the department issued a Record of Decision which selected the development of the Carlsbad, New Mexico, site. Facility construction was initiated in 1983, and the majority of the construction was completed by 1988.

Currently all surface facility construction is completed, and approximately 25 percent of the subsurface area has been mined. There are approximately nine miles of tunnels mined below ground. The remaining areas will be mined in front of waste emplacement.

The next proposed phase of development is a test phase, which will take approximately five years, followed by a disposal phase of approximately twenty years. I will discuss the details of these phases in just a few moments.

Now I would like to take a little time to go over the purpose of the supplement, which presents changes in the proposed action and new information gained on the facility since 1980.

There are four main areas of changes and new information. First, I will discuss characteristics of the waste inventory that will ultimately be disposed at WIPP. First of all, no pilot wastes will be emplaced in the WIPP

because of a decision to no longer evaluate salt for high-level waste disposal.

Also similar to what was discussed in the 1980 EIS, the WIPP capacity is approximately 6.45 million cubic feet of defense transuranic waste. The department currently estimates the volume could be as low as 5.6 million cubic feet. These reductions are due to waste minimization efforts, volume reduction efforts and the redefinition of transuranic waste which raised the concentration to 100 nanocuries per gram of waste. Also, the SEIS presents information on high-curie and high-neutron waste that has been added and will mainly come from the Oak Ridge National Laboratory in Tennessee.

The second area that has been changed includes transportation modes, routes and packaging. The 1980 Final Environmental Impact Statement emphasized rail over trucks. This supplement analyzes 100 percent truck and maximum rail transport. By that I mean that the Nevada Test Site and Los Alamos National Laboratory have no railheads; therefore, for impacts assessment we evaluated truck transport from those two facilities.

Changes in transportation modes and highway systems since 1980 have led to new transportation routes. We analyzed all the impacts in this SEIS based on those proposed routes. Also, a new waste transport container, TRUPACT-II, a Type B container, has been developed and is currently

undergoing certification by the Nuclear Regulatory Commission.

The third area of change is impact analysis of hazardous constituents for the transuranic waste. First of all, 60 percent of the overall waste that will ultimately be disposed in WIPP is mixed waste. This means that certain hazardous chemicals, as defined by the Resource Conservation Recovery Act, are contained in with the radioactive wastes. However, I would like to clarify a few points on this.

First of all, most of these chemicals are in trace quantities.

Secondly, there are no solvents in the waste. The hazardous wastes are mainly lead, which is used in shielding in nuclear weapons production of research. Chemicals such as carbon tetrachloride and other organic solvents may also be present. Again, these are mainly residual materials and are not in the wet form.

The fourth area covered in the supplement is new data and information regarding the WIPP site geology and hydrology. First of all, the mined room closure rate is greater than originally anticipated, occurring in approximately 70 to 200 years. Also, we provide information on the estimates of actual brine in the rock material. We analyze WIPP-related, long-term impacts utilizing these various numbers.

Now I would like to talk about the proposed action alternatives considered in the supplement. First of all, the

proposed action is to proceed with a phased approach to establishing the WIPP facility as a permanent waste repository for transuranic waste. Again, it would only be designated a permanent repository after the test and disposal phases. The next step, as I mentioned, is a test phase which consists of proposed tests to audibly demonstrate compliance with EPA standards for performance assessment.

Laboratory tests were initiated some time ago by Sandia National Laboratory. Based on independent evaluations, other tests have been proposed. The first of these tests are bin-scale tests to provide information on gas generation. We fully realize that once the waste is permanently emplaced in a repository, degradation of the actual drums is going to occur, and that gas will be generated due to processes such as radiolysis, bacterial breakdown, and metal corrosion. Also, the bin-scale tests would provide information on the interaction of waste with brine solution.

The second phase of this performance assessment is to have room-scale tests whereby wastes are actually emplaced in the salt media. These are used to validate the bin-scale tests and also make it possible to extrapolate under actual conditions.

The last phase of the proposed action test phase is an integrated operations demonstration. This is intended to demonstrate the ability of the waste management system to

safely and officially certify, package, transport and then emplace wastes in the WIPP. Also, waste retrieval operations will be evaluated during the integrated operations demonstration.

As many of you are aware, the EIS contains two alternatives to the proposed action. These are the alternative action and no action. Under the alternative action the DOE would conduct only those tests that can be performed without placement of waste underground until there is a determination of compliance with the regulatory requirements. By these regulatory requirements I am referring to EPA Standards 40 CFR 191 Subpart B for permanent disposal. This alternative would require construction of a specialized facility to perform the bin-scale test.

The representative site that we evaluated in this EIS was the Idaho National Engineering Laboratory. If this alternative was pursued, any one of a number of sites across the nation might be utilized. Also under this alternative, room-scale tests would not be conducted, nor would the integrated operations demonstration be conducted prior to completion of compliance determination.

Also, as required under the National Environmental Policy Act, we analyzed the no action alternative whereby we would continue to store transuranic waste at generator and storage sites. Under this alternative the WIPP would be

decommissioned and possibly put to other uses. Secondly, the potential hazards to public health and environment would remain as a consequence of the long-term use of facilities that were originally designed for interim storage.

Also in the supplement we have two alternatives that were not considered in detail. The first alternative was to conduct experiments in support of the performance assessment with simulated nonradioactive waste. The second alternative was to proceed with the performance assessment without experimental tests. Both of these alternatives were rejected because they would not provide sufficient data for conducting a performance assessment capable of determining compliance with 40 CFR 191 Subpart B.

Finally, I will discuss the impacts that were analyzed in the supplement. First of all, transportation. We analyzed both radiological and nonradiological or hazardous chemical impacts. We looked at routine and accident conditions and analyzed an upward bounding case accident. We not only looked at the impacts and exposures to the public, but also to occupational workers.

Next, operational impacts. We examined the impacts of waste emplacement and retrieval operations for the proposed twenty-five-year operations of the facility. We also looked at not only aboveground but also underground operations for both routine and accident releases, radiological and

hazardous chemical exposures, and again, looked at both the occupational work force and public health impacts.

The last area of impacts analyzed in the document are long-term impacts. By this I mean the actual impacts that could occur to the public for the 10,000-year design life of the facility. In the supplement we have analyzed two different scenarios. One, where we looked at undisturbed performance, which means what would happen to the waste if there was no actual human intrusion. Second, we looked at a human intrusion scenario where there would be drilling, mainly from an oil or gas exploration well down through the waste disposal facility into a hypothetical pressurized area of brine.

We looked at all of these impacts for expected conditions, which means the best scientific evidence currently available. Also, for the degraded parameters, we take several key parameters and raise them orders of magnitude higher to get an upward bounding evaluation of the potential impacts.

That, in summary, provides a little background on the WIPP facility, why the department's conducting a supplement, the impacts that are analyzed and the proposed actions and alternatives.

The next step in this supplement process, of course, are these public hearings which will continue and a public comment period which will continue through June 27th, 1989 -- and I will make a statement on that period immediately

after this presentation -- after which time the Department of Energy will analyze oral and written comments. After that time we will prepare the final supplement that includes a response to comments, and in September, 1989, the Secretary of Energy will issue a Record of Decision on the EIS.

I want to conclude with one key point. First of all, environmental regulations will not be compromised to meet programmatic schedule, and the Department of Energy will not proceed with any phase of the WIPP development until it has been determined it can do so safely. Both of these statements were recently stated by the Secretary of Energy Watkins. Again, you have our affirmation that this will be carried out.

One final statement. As of this morning, to continue the very good public involvement that we've had in this process, the Department of Energy is pleased to announce that we will be adding one additional hearing in the State of Utah. The details of that are currently being worked out with Governor of Utah Bangerter. Also, the comment period will be extended through July 10th, 1989.

We look forward to hearing your comments today on the SEIS, and we look forward to your continued involvement.

Thank you very much.

MR. EIGUREN: Thank you, Mr. Arthur.

Ladies and gentlemen, before we begin the next phase of our proceeding, which is the receipt of public

comment, as the hearings officer I want to note formally for the record that there has been an objection to the procedures that we're using here. It has been lodged by the Concerned Citizens for Nuclear Safety.

I've spoken to Mr. Miller of that group, and I would ask Mr. Miller at this point if he would step forward to the podium and go on the record for the purpose of stating his objection.

Mr. Miller, as we discussed earlier, once you do that I'll read a formal response to that so to preserve for the record the objections that you have.

You may proceed, sir.

MR. MILLER: Good morning, gentlemen. Welcome to Santa Fe.

I'm with the Santa Fe-based group Concerned Citizens for Nuclear Safety. For the record, we the citizens of New Mexico object to the manner in which the DOE is rushing the SEIS public review and comment process. All the participating citizens should have the right to be heard before one hearing panel. We should also be allowed to be heard and hear all testimony, even though the DOE has chosen not to allow us to do so.

Federal law mandates meaningful public participation. I'll have you note that the DOE failed to adequately publicize these SEIS hearings. Many citizens groups

and mostly volunteers have done your job for you by educating large numbers of citizens on how to participate. Now the people are here and deserve to be heard, but the DOE has subverted the public process by segmenting the hearing into three simultaneous sessions, beginning this evening until 11:30 at night and for the next two days from 7:00 in the morning to 11:00 o'clock at night, sixteen hours a day, both Friday and Saturday.

Furthermore, people were not notified of their scheduled speaking times until the very last minute and some not at all. For weeks the Department of Energy has known that hundreds of citizens planned to testify in Santa Fe. The need for extending our city's hearings should have been anticipated. Had the DOE paid attention to the public demand during the weeks of the preregistration process, this subversion and delusion of the public process would not have occurred.

The citizens of New Mexico have demonstrated an unprecedented level of concern and personal responsibility by participating in such impressive numbers on this WIPP issue that is complex, and it is for many people very painful to face. In addition, the triple hearings have deluded the full impact to the public testimony by allowing the full SEIS panel to hear only a fraction of the public comment and, also, the opportunity for the citizens to give their comment in person to the full panel.

American citizens must not be treated as a herd of cattle, to be shoved and prodded through the rushed hearings in order to meet the DOE's unofficial deadline. And, unfortunately, to do so is a blatant denial of the public's right to participate freely in a public process.

I would like all citizens here who care to object to this triple hearing format with extended hours to please stand up.

MR. EIGUREN: I'll note for the record that from the chair's respect it appears that close to 90 percent of the room stood up.

MR. MILLER: Thank you, Mr. Chairman.

Therefore, we respectfully request the DOE to have a single hearing, to include extending into next week or for as long as possible, and to allow the opportunity for all citizens to participate together before this same panel and have the same opportunity to hear all citizen testimony.

Thank you.

MR. EIGUREN: Mr. Miller, I'll give the formal response for the record.

The principal purpose of these hearings as defined by the Council on Environmental Quality guidelines, the Department of Energy policy, is to receive for the formal written record to use in DOE's decision making the maximum possible amount of comment from elected officials, Indian

tribes and public. To that the decision was made earlier in the process to allow elected officials and representatives of Indian tribes ten minutes to comment and members of the public five minutes within which to comment in each of the states where these hearings are being held.

Given the exceptionally large number of commentors wishing to testify in New Mexico, particularly Santa Fe, and due to the time schedule restraints of hearing officers and hearing panels, the only possible way to accommodate on an equal basis with an equal time slot all individuals who wish to testify in New Mexico is to conduct parallel hearings.

I would note that the written record that is developed of these hearings will be used to make the decision in this particular proceeding by the Secretary of Energy.

End of statement. That's the statement.

Ladies and gentlemen, with the objection now formally entered in the record, we will now move forward to the receipt of public comment at this particular point in time. As I mentioned in my opening remarks, the way we're going to conduct the hearing is to first receive comment from elected officials and then from designated spokesmen for Indian tribes and from public interest groups.

The list that I have in front of me suggests that we have approximately thirty-four individuals who are in this particular category, and so it's going to take the better part

of the day to receive your comment. Each of these individuals will have ten minutes within which to present their comment. We would ask that when their name is called they step forward to the microphones to my immediate right to, this podium, to the speakers' left, give us your name, your address and your affiliation for the record, and go ahead and begin your public comment.

At nine minutes a little green light will come on on the podium, meaning that you have a minute remaining in your allotted ten minutes. At ten minutes the red light goes on. We do not ask you stop immediately when the red light goes on. That's just a signal your time has elapsed, and I would respectfully request that you bring it to closure as quickly as you can thereafter, in respect to those others who are wishing to testify here today.

So with that we'll now go ahead and begin the receipt of public comment, and our first scheduled commentor this morning is the Mayor of Santa Fe, the Honorable Sam Pick.

On behalf of the hearing panel and myself, Mayor, we welcome you here today. 15-Jun-09: TS-00310, PAGE 1 OF 5

MAYOR PICK: Thank you, Mr. Chairman and members of the DOE. I want to welcome you here to our community, and I want to thank you for putting Santa Fe on your list of places to stop and listen to testimony.

I represent a city that I'm quite proud of. I'm

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proud of the fact that we will probably generate greater interest in this issue than in any other city in the United States. It speaks well for the people that live in my community. But lest you think you're in exclusive company, I would like to tell you that almost every issue in Santa Fe generates a lot of opinion. We can talk about buffaloes and generate opinion. We can talk about the number of food vendors on the plaza and generate opinion. So I don't want you to leave here thinking that you represent a problem which only generates this kind of interest in what I consider the number one community in the United States.

But this issue is much more serious than perhaps some of the others that I have alluded to. And while I have prepared written remarks, I have decided this morning on my own that I would just try and express the sentiments of my community extemporaneously, because I think there are many here in the audience which will be much better able to express in detail the pros and cons from a scientific method.

I'd like to explain the official position of the City of Santa Fe, and that has been given to the Department of Energy in the form of a resolution last year. And that is basically that the city council through their representatives is not against WIPP, and that is our official position up to this point. The city of Santa Fe --

MR. EIGUREN: Quiet, please.

TS-00310, Page 3

MAYOR PICK: The City of Santa Fe is very concerned about the safety of the project itself from two areas.

Obviously, one, the site, but more importantly to the City of Santa Fe the transportation of nuclear waste through our community. And we continue to feel that way. And I think the sense that I have of our community is that at this point in time we have not been assured that every procedure has been put into place to assure us that we are in a safe environment. You see, some of us feel that as long as the United States, Soviet Union, China, other world powers feel that nuclear research is essential, then that in itself will generate waste. So we feel there must be a repository for this waste. 3.1-2

Some of us, I think most people here, would agree that what's being done now is probably not very adequate. Most of us don't even know how it's being handled in places like Los Alamos. But as mayor of our community I feel as much at risk with the present situation and the fact that we are storing low-level nuclear waste forty miles away from our community at this point without the types of restrictions which I'm hoping that the DOE will eventually place on the WIPP site than we will eventually have. That scares me even more. So I want to see a repository, as long as the country takes the direction that they have taken, and that is to pursue some sort of

nuclear research.

The important thing to mention here is the fact that hopefully the time will come where we don't have to have a WIPP site, where we don't have -- where we don't have to rely upon this type of activity, where we don't have this constant unknown fear of what's going to happen to our grandchildren, their grandchildren. And that's what we're interested in here, and that's the bottom line. 3.1-2

In terms of these hearings, I would hope that the DOE would take back the comments that are going to be made here in the next few days and take them in the interest that they are provided you and with the seriousness that they're going to be given to you. 2.3.2-2

I want to admonish the audience that it is much better to be constructive and not to spend two days browbeating the DOE, to try and provide as much information that you can which will eventually get to the Congress, to the President of the United States, because in my judgment not much is going to be said here which has not been said before, and I think we should show the country that we live in the type of community which wants to be constructive, which wants to come up with a solution that will be in the best interest of not only Santa Fe, New Mexico, but of our world. And I would ask you to do that.

I thank you very much for the time. Have a good

day. I can only tell you this. What you are going to go through in the next two days is something that my city council goes through every two weeks.

MR. EIGUREN: Thank you, Mr. Mayor.

Moving forward, I next call upon the Honorable Peter Goodwin of the Santa Fe City Council.

MR. GOODWIN: Thank you, sir. And welcome to our community of Santa Fe.

I'm going to take a different tack based upon media press and --

UNIDENTIFIED SPEAKER: We can't hear in the audience. Sorry.

MR. GOODWIN: I'm going to take a different tack and address some issues that have been expressed in the public media, and my statement is prepared around that focus.

I appreciate this opportunity to comment on your Supplemental Environmental Impact Statement for the WIPP site. My statement, however, is brief.

My one, single point that I want to transmit to you as someone representing a district with 8,000 registered voters and a community of 60,000 people is that you must stop being so callous for human life. You must stop being sloppy with your methods, and you must stop being sloppy with your thinking. You must stop being negligent in the conduct of your activities. 3.2-1

This supplemental report is suspect, and those are the reasons why. And there are 600 people here to tell you the same whys. You have a thankless job dealing with the hazards of human life, and you have managed to lose your credibility to deal with them.

Now, that's the worst part of my statement. And I receive comments like this as a public official as well.

So what can you then do? I would say start by veluing the human factor. Start by making this hearing more accommodating to the lives and fears of this community. I would say start by going the extra mile and abide by regulatory criteria and your contractual agreements. And I would say start by assuring the public through your actions that you mean to be responsible, so that only in taking care of this business will you be allowing yourselves to take care of your own.

That is all I have to say on behalf of myself, my district and my community.

Thank you.

MR. EIGUREN: Thank you. Thank you, sir.

I would next call upon the Honorable Bernie Beenhouwer with the City Council of Santa Fe.

Councilman, we'll mark your written comments as Exhibit Number 300 for the record.

(Exhibit 300 marked.)

MR. EIGUREN: Would you please proceed?

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3.1-8

MR. BEENHOUWER: Fine. Thank you.

Thank you, Mr. Chairman, members of the panel.

Let me begin with two premises.

Number one, we have over forty years of nuclear waste. It will not go away. We must deal with it.

Premise number two, our decisions must be based on the very best information we have at the present time.

Given those underlying assumptions, I will discuss five factors that as a whole frame and define my views on WIPP. In order, they progress from global to specific.

Factor number one. Nuclear power worldwide is here to stay. It is in our interest to work with all nations to further its safest creative use for the well-being of all of us. There is no question that the wider use of nuclear power to generate electricity will forestall and lessen the greenhouse effect, surely a major threat to our tenure here on earth.

MR. EIGUREN: Quiet, please.

MR. BEENHOUWER: Continuing to burn fossil fuels at the rate that we do is untenable. Nuclear-powered electric plants in this country have been extremely safe, even with the constant factor of human error.

Factor number two. Many people are passionately afraid of and opposed to nuclear power as being different in kind, not just degree of danger. They also distrust Federal

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approaches, attitudes and actions in all matters concerning WIPP and, by extension, safety measures in and around nuclear component factories. The information from Rocky Flats and the WIPP site itself is not good.

Citizen pressure has canceled, delayed and closed down nuclear power plants and has already been effective in shifting patterns of nuclear waste disposal plant. Witness this gathering. I believe citizens' concerns should be dealt with and that you as decision makers must include in your deliberations concerns of troubled citizens who will be living with the consequences of your decisions. 3.2-1

That leads me to factor three. The DOE must do a better job. There have been lapses in security, sloppiness in carrying out directives, poor monitoring and less than open discussion of what has transpired and what is now in progress. Without massive changes in attitude and approach, the public is never going to support any proposal from DOE for fear that all information is not given accurately and openly. We in this country must be able to assemble a team that is smart and skilled in science and technology and can also work well with lay people to address their concerns as plans are made.

All of which leads me to factor four. Our actions in any arena are based only on our present knowledge. We cannot wait for an ultimate, perfect, permanent solution for many of our problems. There is no way we can assure that no 3.1-1

risk will ever occur at a nuclear power plant, a waste disposal site, or for that matter on an oil rig or in a coal mine. I believe we must start using interim measures, present best, for waste storage while continuing to research more effective ways to treat, reuse, neutralize or dispose of our waste. 3.1-1

I suggest a massive federal mobilization of money and brains to deal with nuclear safety and waste disposal, which is a massive, growing problem for our country. We poured money, brains and urgent time into the development of nuclear energy. We can do no less to clean up our mess. 3.6-1 5.2-1 5.2-2 5.3-1

Factor number five. Given the foregoing factors -- there's an awful lot of microphones here, hardly room for my paper. Given the foregoing factors, I believe that at one point WIPP should and will open. Ultimately other sites, probably quite different in design and circumstances, will also open. Before WIPP's opening occurs I believe that important safety measures should be in place and that our federal government must prove its concern, working with citizens all along the way as these measures are planned and completed. 1-3 3.1-2

Money for roads must be appropriated so that construction can proceed quickly. TRUPACTs must pass conclusive tests. The issue of mixed hazardous waste must be faced and resolved. In-depth emergency training along with appropriate equipment must be provided to personnel along 7.15.4-3 7.3.1.1-2 7.12.9-1 7.12.9-5

transportation routes. Some meeting of minds must occur concerning the technical safety of the WIPP site itself. A smart means to monitor and evaluate WIPP must be initiated. Citizens want and deserve regular reports and more than good faith efforts.

To recap my message, nuclear power is here to stay and can be harnessed for beneficial use. People's fears of nuclear radiation must be taken into consideration and resolved to the very best of our ability. The DOE must do a better job, technically and in public relations. We must mobilize massive, long-range efforts to deal wisely and well with waste and at the same time start with the best interim steps we have to deal with present problems. WIPP will open, but first the federal government should prove to us that all possible and reasonable safety measures are in place and working well.

Thank you. 15-Jun-89: TS-00312, PAGE 5 OF 5

MR. EIGUREN: Thank you.

I have a question to ask you. Can you hear in the back of the room? Is the PA working well enough?

Increase the sound level for the podium mike.

Secondly, what's the relative degree of temperature in here? Is it too warm, too hot, about right? Too warm? Okay.

We will also ask that the air conditioning go on.

We will now move down our list of preregistered

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commentors, and I will call upon Rex Tilousi on behalf of the Havasupai Tribal Council.

MR. MARQUEZ: Can I make a suggestion?

We're getting percussion back from that mike that's distracting. As long as the commentors are over here, can we go ahead and turn that microphone off.

UNIDENTIFIED SPEAKER: I turned it off. It is off.

MR. EIGUREN: Okay. Fine.

I would next call Rex Tilousi on behalf of the Havasupai Tribal Council. 15-Jun-89: TS-00313, PAGE 1 OF 3

Good morning, sir. If we could have your address for the record, please.

MR. TILOUSI: Thank you. My name is Rex Tilousi, and I am a member of Havasupai Tribe, people who live down on the bottom of the Grand Canyon. I would like to comment on what is happening here today.

Our Grandmother Canyon is being attacked by uranium minings. So far we have been successful in putting a temporary hold on what is happening up on the rim. Should the uranium mine be continued, approved to go, the waste, the tailings that is going to be left behind, will run down to where we live, and this will affect the people that live down there, live up on Mother Earth, and, we believe, the Grand Canyon area.

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This is where we, the Indian peoples, emerge from. We came from within our Mother Earth. And we are very concerned for the destruction that is happening to our Mother Earth. We feel our Mother Earth, life upon Mother Earth, the red paint that we have within the canyon, the salt that we have within our canyon home, we regard these things as very sacred to inner Indian peoples. 3.1-8 9-1

I find that the uranium mining that is being proposed on the rim will be dug up. And I find this is where it will end, and we find the disrespect, the desecration that is happening within our Grandmother Canyon home.

We do not want to see destruction of our Mother Earth, not only Mother Earth, the land, life upon Mother Earth, but to other peoples such as what is happening here at the WIPP site. And the Havasupai people believe that the salt that the waste is going to be buried in, the waters that we have within our Mother Earth, will be affected. And this we depend on. The people that live upon our Mother Earth depend on these things. And why, I ask, must we destroy the things that we survive on? Thank you. 3.1-2

There are religious stories regarding the areas, the animals, the sun, the moon, the universe and the planets. In the Indian way we are all related. Therefore, we do not want to see our relatives destroyed. Thank you.

MR. EIGUREN: Thank you.

MR. TILOUSI: And are these the people here, the New Mexicans, are they the people that are going to pay the price for what is happening to our Mother Earth?

I feel this is not right, to take out of our Mother Earth the elements that should be kept within our Mother Earth, taken out, turned into waste, and then dumped back into our Mother Earth. This is not the way of the Indian peoples. Thank you. 1-2 3.1-8

Therefore, I feel we, the Havasupai people, the Indian peoples that live here upon our Mother Earth, are very concerned, and we are very much in support of the people that are gathered here.

And I would like to end my comments by saying may we all continue to walk in the beauty that our Mother Earth, Mother Nature, has laid out for us.

Thank you.

MR. EIGUREN: Thank you, Mr. Tilousi.

I next call Carol Miller on behalf of Rural Health Commission of the American Public Health Association.

MR. EIGUREN: We'd like to have your name and mailing address for the record, please.

MS. MILLER: My name is Carol Miller, and my mailing address is Post Office Box 98, Ojo Sarco, New Mexico.

MR. EIGUREN: Thank you.

MS. MILLER: I am here today representing the

American Public Health Association which has in its membership nearly 60,000 public health professionals. I hold two elected offices within this organization. I chair the World Health Committee, and I serve on the Governing Council, our policy-making board. I also serve on the executive board of the New Mexico Public Health Association.

The American Public Health Association at its 116th annual meeting last October passed a policy resolution which guides our policy and actions regarding WIPP. After lengthy debate this resolution was passed.

One of the reasons it was passed is because the Department of Energy has lost credibility with the scientific and public health communities. 3.2-1

At this time I would like to read the resolution.

"The American Public Health Association,

"Having passed thirteen policy resolutions regarding radiation hazards since 1954; and

"Providing leadership in efforts to monitor and abate radiation hazards for more than thirty years; and

"Noticing with alarm the attempt by the Department of Energy to rush the opening of the Waste Isolation Pilot Project before there are adequate Environmental Protection Agency standards to address the siting and operation of the nuclear waste repository facilities; and 3.1-3 4.1-3

"Noting that DOE internal testing has found an 7.8.5-2

unforseen brine seepage that may compromise the suitability of the entire site; and 7.8.5-2

"Understanding that there is no completely safe mechanism to transport nuclear waste and that the Department of Energy's selection of truck transport constitutes a potential health hazard to large numbers of people; and

"Recognizing that 1,607 radioactive waste shipments planned for transport to the WIPP site in the first three years of operation will pass through at least twenty-three states and constitutes a potentially significant national health hazard; therefore, 7.3.2-4

"One, urges the Department of Energy to delay the opening of WIPP until its safety is assured by federal health agencies independent of the Department of Energy; and 1-3 3.1-2 3.1-6

"Two, urges the Department of Energy to immediately carry out the baseline health studies it promised communities close to the WIPP site. These studies must be completed prior to the storage of any waste; and 7.12.10-1

"Three, calls upon the Environmental Protection Agency to develop and implement, with public involvement, standards that assure the safe operation of nuclear waste repositories; and 3.1-2 3.1-3

"Four, urges Congress to mandate the development of technology and procedures for the safe transport of nuclear waste, which includes containers that pass DOE and independent 7.3.1.1-17 7.3.3-1

TS-00314, Page 4

laboratory testing, prohibits the transport of nuclear waste trucks through populous areas, and mandates the use of alternate/bypass routes around population sectors."

This resolution was not easy to pass, because the American Public Health Association is a scientific organization, and I would like the Department of Energy to know that there was considerable debate on the scientific merits; however, the association did feel that there were not adequate assurances being made to protect the public health.

I would like to point out that we have recently learned that the Department of Energy, nor does anyone else, even know what is in the drums waiting to be transported to the WI[illegible] site. One of the concerns I have as a chairperson of the Rural Health Commission is we're making it our policy right now to speak out more strongly about the transfer of basically urban problems to rural areas.

For the past ten years I've spent a lot of time and I've worked full time trying to assure that there are adequate health services in rural areas, and I would like to state for the record that there are not and there is no way that any community in this country would be able to respond to any accident with a really solid medical response. It just does not exist at this time, and I don't know if it ever would.

The baseline studies are extremely important to the American Public Health Association for a number of reasons.

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Some of our greatest knowledge has come from long-range studies. For example, if there hadn't been a twenty-year study of physicians, I wouldn't know that I was a Type A personality. That was a long-range study that decided that there were distinct personalities, Type A and Type B. There's a Framingham Heart Institute health study, which is another long-term, epidemiological study, which taught us more about cardiovascular disease than we're ever going to learn any other way.

We have to be able to document health problems resulting from nuclear waste. If we don't go in and do baseline studies before any waste is emplaced, we will never be able to do it. We work continuously with the federal government trying to ensure adequate access to health services, and in this state we have a very large problem with providing services in many of our areas. If we cannot prove that the health problems result from WIPP, we will not be able to get the money to help people if, in fact, or when, in fact, these problems arise.

So I think in the baseline studies the American Public Health Association is going to come out very strong. They've already sent a letter to everyone in Congress requesting, you know, that the four points in our resolution be implemented.

I'd like to speak personally, also. I fear a WIPP

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accident, because I'm an EMT licensed in New Mexico, and I also serve on a critical incident stress debriefing team which goes in after or during emergencies to help the emergency responders. And while most New Mexicans and certainly most of the people in the US who are not out protesting this WIPP site as we are here are going to be sitting in their homes watching about it on TV, I'm probably going to be out there providing services to people who may have been injured, and some of those people are emergency responders.

And the reason we formed a statewide critical incident stress debriefing team in New Mexico is that we know that people suffer long-term problems when they go out on casualties and disasters, that nobody is exempt from the problems that come from that. And we're talking about law enforcement, corrections officials, fire fighters, emergency medical personnel. Everybody that has to respond to those scenes will carry that burden for the rest of their lives. And we will try and help them, but we will not be able to overcome all the problems that result.

So I really sincerely hope that the Department of Energy does not force our hand to come up with some other ways of stopping this project, but really looks at what the public health impact of this is. We're going to network with all the other states that are on the WIPP routes through the affiliate associations. We have forty-eight state affiliate chapters of

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our organization. We want them to make it an issue as the New Mexico Public Health Association did and our national organization.

We feel that public health has to come first, and that the Department of Energy -- the Department of Energy has a terrible record to go on. What we look at now when we try and analyze, we can look at a lot of lies and cover-ups. We're all very concerned.

We also passed a resolution last year that dealt with people living downwind of the Rocky Flats plant. We're getting involved, and we want to stop this. We want to make it safe, and we don't want any waste moving until it's safe, because we believe it can be left in place where it is now until we're very convinced. And that's not the Department of Energy convincing us, that's other health agencies have assured us that this project is safe.

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Thank you.

MR. EIGUREN: The resolution of the American Public Health Association as submitted by Carol Miller will be marked as Exhibit 301 for the record of this proceeding.

(Exhibit 301 marked.)

MR. EIGUREN: Thank you, Miss Miller, for presenting that to us today.

I would next call Bob Neill on behalf of the Environmental Evaluation Group.

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Following Mr. Neill will be Mr. Don Mancock with the Southwest Research and Information Center.

MR. NEILL: Thank you, Mr. Eiguren.

I'm Bob Neill, and I've been a director of EEG since it was established -- can you hear -- since it was established eleven years ago for the purpose of conducting an independent technical evaluation related to health and safety and also to conduct an environmental monitoring program in the off-site area.

MR. EIGUREN: Just a moment.

MR. NEILL: The question comes up who do we report to.

MR. EIGUREN: Just a minute. We have a hard time hearing.

Could you all please turn up the podium mike?

MR. NEILL: The gold one?

The question has been raised --

MR. EIGUREN: Thank you.

MR. NEILL: -- who does EEG report to.

We report to all of the people of New Mexico. We conduct our technical analyses, reporting reports, and these materials are made available to the governor, the legislature, policymakers, the congressional delegation and, most importantly, the people. We're funded through an act of Congress, and the independence of EEG was reestablished last

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year.

A great deal of credit goes to Senator Bingaman, Senator Domenici and a lot of you people here that have assembled an academy award thing where you acknowledge your mother and everybody else. But there were a lot of people who helped EEG in maintaining its independence.

We are performing a thorough review of the Supplemental EIS, and we're pleased at the extension. We did this back in 1979 for the Draft Environmental Impact Statement and had some voluminous comments at that time. We also conducted a review in 1981, and these are comments on the Final Environmental Impact Statement. We will also be doing some similar things. I'd like to comment on a few other activities that relate to the Supplement to the EIS, namely the operational readiness of WIPP to start receiving waste.

We have just recently finished and completed our review of the safety analysis report which is a twelfth generation. We've got about seventy-five pages of comments and concerns which we believe DOE must address before the facility will be in shape to receive waste. We have concluded that on that basis it's not yet ready. Documentation with Subpart A -- documentation with Subpart A of the EPA standards has not been completed. Instrumentation to detect potential releases of airborne radioactivity during underground operations have not yet functioned satisfactorily. And we believe a great deal of

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7.12.2-3

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effort needs to go into demonstrating the capability and ensuring the reliability of the underground, continuous air-monitoring systems. 7.12.2-3

There are also significant deficiencies in the health physics programs and procedures to minimize radiation to the rest of the workers. And we believe these things must also be completed before any waste can arrive at WIPP. And while much work needs to be done, I want to make it clear that we believe it can be accomplished. These are not impossible goals to approach. 7.12.8-1

Now, as John Arthur pointed out, the Supplement to the EIS really isn't a self-standing document. You've really got to consider the numbers that he presented up here earlier today. The department was requesting the emplacement of about 80,000 drums at one point prior to demonstration and compliance with EPA standards. The most recent estimates have reduced that amount to something on the order of 3,700 drums for experiments and 19,000 drums for operational demonstration. 7.14-51

The recent estimate provided by EPA in Washington at a hearing this week was that the earliest that DOE would be able to ship representative mixtures of waste would be March, 1990. So in order to conduct meaningful experiments, it's necessary to have a representative mixture of the waste products that would be used for that purpose. And this deals with the mixed waste issue. 7.11-6

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The plans for the experiments are still evolving, and that's not unexpected. We just received two documents late last week detailing the room-scale and the bin-scale experiments for these measurements of gas. 5.1.1-1

The gas generation is a significant issue. The most recent estimates are that over the life of the project you may generate about a billion cubic feet of gas. And Sandia presented estimates that the room pressures approached lithostatic, which is something on the order of 2,000 psi. The importance of that means it needs to be addressed, not only for the measurement of such gases to be involved, but how to deal with them and what to do with them. 7.11-4

Now, one of the questions that keeps coming up is really the key to the impact statement. Is WIPP safe?

We've done some calculations and analyses and made assumptions and concluded that the waste does not appear to pose a significant risk to people, but there are other methods to demonstrate safety. Namely, one must comply with the EPA standards that issues transuranic waste and high-level waste. 3.1-3

Give me a break so I can get through this. Okay?

Now, the department is committed to meeting the standards at WIPP in New Mexico, as well as doing it in Nevada, and there's no question about that commitment, because they must do it. There is one significant difference, however, with respect to the timing of such a demonstration. In Nevada the

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department has agreed to complete all of this documentation and put it in their license application not to receive waste but to receive a license to begin construction of the facility. 3.1-3

Now, that's quite a bit different from the plans to demonstrate compliance at a point in the future. We want to make it clear that the deterministic analyses, these are probabilistic risk assessments and do not require waste experiments for the purpose of demonstrating compliance. However, we still have a very open mind within EEG as to whether experiments will be helpful, useful and desirable in providing the data required for that to demonstrate compliance. 5.1.1-1

Now, DOE has proposed to ship the bulk of the waste for operational demonstration. And, again, that type of operational demonstration is not a requirement to demonstrate compliance with the standard. In fact, the SEIS lists items -- three of the four are not required for operational demonstration with substantive quantities of waste in the certification of packaging and transportation, all of which has been occurring for the past decade.

Now, judging by the calculations performed on the gas generation, it's clear that it may pose a problem of the containment and the likelihood of requiring engineering modifications. What to do with this emergence is a very significant and important development. It's not an impossible thing to deal with, but we're going to have to face up to 7.15.3-5

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whether the waste forms may be required to be incinerated to eliminate the organic components and reduce the quantities of gas which could be generated at some point in the future. 7.15.3-5

Even if the emplacement of wastes at WIPP is found to be a reasonable and necessary plan for assessing the magnitude of the gas problems, the delay in the issuance of a permit by the EPA or the State of New Mexico to ship the next wastes to WIPP could delay the start of experiments. And the wastes that contain the hazardous chemicals are always the wastes that produce gas. 5.1.1-1

Since the bin-scale tests do not have to be performed at WIPP, it seems to make sense to start these at the generator sites as quickly as possible so that the results are available sooner. It's conceivable that those experiments can't begin for a year because of the EPA restrictions on the mixed waste.

In summary, there are a number of items that still require completion before WIPP is ready to receive waste. Operational safety for a twenty-five-year period does not ensure safety for thousands of years after the facility is closed. The experiments may provide more reliable data on the gas generation rates, and we think there may be some substantial merit in performing those if we don't continue to complete the review of those experimental plans. We have not yet done so, but it will not otherwise increase the chance of 3.1-3

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WIPP being in compliance with EPA standards for long-term integrity to the repository.

And, basically, we don't believe it's wise or prudent to emplace a large quantity of waste underground and leave it for permanent isolation if there's a possibility to require the retrieving of those materials for reprocessing and consideration. 3.1-3

One other item that we would like to see the SEIS address, because that is a document that assesses the environmental impact of this project. The SEIS will commit up to 83,000 drums to be brought to WIPP. If in the unlikely event the facility does not meet the EPA standards, we believe it is prudent, necessary and desirable to say what one is going to do with these waste products at completion if it is not proved to be a permanent disposal.

In other words, would they be returned to Colorado? Would they be returned to Idaho? Would they be shipped to the high-level waste facility in Nevada? Or would they be left indefinitely on the surface of the ground? 3.1-3 7.12.6-4 7.12.6-6 7.12.6-8

And we think it's prudent from a health and safety standpoint to perform those analyses, calculations and incorporate those kinds of analyses in the Final Supplement to the Environmental Impact Statement.

Thank you. 15-Jun-89: TS-00315, PAGE 7 OF 7

MR. EIGUREN: Thank you.

TS-00316, Page 1

Mr. Don Hancock was our next scheduled commentor, however we have a member of the legislature who would like to give a statement, and that's the Honorable Max Coll.

We welcome you here, Representative Coll. You have ten minutes for comment, sir. 15-Jun-89: TS-00316, PAGE 1 OF 3

MR. COLL: Thank you. I appreciate very much the opportunity to come before you and make a few comments.

MR. EIGUREN: We can't hear you, sir. The gold microphone is the one you need to talk to.

MR. COLL: Which one?

MR. EIGUREN: The gold one to your -- there you go.

MR. COLL: This one?

MR. EIGUREN: Right.

MR. COLL: All right. Can you hear me now?

I'd like to thank you for the opportunity to come and give you a statement. I'm Max Coll. I'm a state representative. I represent the district that this building is located in, and the district I represent also contains several segments of the proposed route for transportation of some of the waste to the WIPP.

The National Environmental Policy Act, NEPA, was passed by the Congress to insure by law that citizen input would help shape federal agency decisions. The citizens are here today testifying on a federal decision because of NEPA. 3.2-1

But to reduce the effectiveness of this citizen testimony, the Department of Energy has divided the hearings into three separate and simultaneous hearings, a move which says to me, "We don't really care what you have to say, we've already made up our minds, let's get this over with as fast as possible."

That certainly is not an attitude which reflects either the spirit or the latter of the NEPA law. And despite recent headlines about the deadly DOE scandals at Rocky Flats and Hanford, DOE defiantly sticks to a very dangerous time schedule, a timetable which clearly speaks to DOE's contempt for the NEPA process. There is no way, no way DOE can maintain its arbitrary, politically-driven schedule and truly be responsive to the citizen input required by NEPA.

DOE will not acknowledge what its major product has been. That major product has been deception. For the Department of Energy to gain even some small measure of what it has lost in public esteem, then a major act of honesty by DOE is called for. DOE needs to confess that its credibility is in shambles and then go to the Congress and ask that the Nuclear Regulatory Commission take over the process to, among other safety necessities, insure that WIPP will meet EPA standards before -- before it is allowed to open.

This might begin to return public confidence in the process. Simply fast-tracking the WIPP opening, disregarding safety and disregarding the public comments, which

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are required by NEPA, will only further sink DOE's credibility and the people's confidence in government to an all-time low. NEPA doesn't work when it is intentionally sabotaged and disregarded, and our precious form of government is threatened when its laws are sabotaged by its very own agencies.

DOE must admit its deceptions publicly and turn the certification of WIPP over to the Nuclear Regulatory Commission. That would give these citizens who came to testify at least a little hope they have been heard and that their government will act to prevent DOE from another opportunity to continue brutally poisoning the environment of their country.

Mr. Hearing Officer, members of the panel, I want to thank you very much for the opportunity to come, give you my remarks.

MR. EIGUREN: Thank you.

Our next commentor is Don Mancock on behalf of Southwest Research and Information Center. Following Mr. Mancock is Myla Reson.

Good morning, Mr. Mancock.

MR. MANCOCK: Good morning, Mr. Hearing Officer.

For the record, I would like to note that I was never formally notified by the Department of Energy of the time I was scheduled to testify today. I would also like to just comment, if the way the Department of Energy has conducted these hearings is any indication of how they would handle

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wasta, either on the way to WIPP or at WIPP, I think it's a great exemple of why the department has no credibility as Representative Coll just pointed out. 8-6

In Albuquerque I talked about my first conclusion about the Draft Supplemental Environmental Impact Statement, which was that it's legally and technically inadequate for DOE to proceed with its fast-track opening of the WIPP site for meeting EPA standards in September, 1989, or any other time. I want to expand on that a little bit to talk about another agency that's involved and another reason that WIPP cannot open in September. 3.1-3 4.1-3

I think it's interesting when Mr. Arthur this morning talked about the Secretary of Energy making a decision on this NEPA process, the Record of Decision in September. That means that the Final Supplemental Environmental Impact Statement has to be done in August, which means that the Department of Energy is telling us that from July 10th to sometime in August, well under two months, DOE is going to give detailed consideration to all the comments that have been received in New Mexico and other states, respond to those comments, correct the literally thousands of errors in its draft supplement. 2.3.2-2

Now, if anybody believes that they can do that, we will witness a true miracle. In fact, if the Department of Energy proceeds on that schedule, I can assure you that a

TS-00317, Page 3

number of people will be in court, and the courts will tell DOE that they, in fact, haven't done it correctly. 2.3.2-2

But let's talk about this other agency that's involved, and the other agency that this document also has to be legally and technically adequate for. That's the Department of Interior, which controls the land at the WIPP site. And I think it's important to talk about that, because DOE officials and others at various times have issued not so veiled threats that if Congress doesn't act to give the WIPP site to DOE as soon as possible, why, DOE has other means in an administrative land withdrawal to get the site, and all of the concerns that people have about EPA standards and transportation safety, et cetera, will not be considered.

Well, that's not the way it's going to be. This document is not legally or technically adequate for the Department of Interior's purposes either, and so the Department of Interior is going to tell you gentlemen -- it's going to be legally required to tell you gentleman that your document is inadequate for their purposes, and therefore they cannot and will not approve an administrative land withdrawal for the WIPP site. 6.1-1

This document can't even correctly state what the existing land status at the WIPP site is. So for the record, let me say what it is.

Public law -- Public Land Order 6403, from June of

1983, allows the Department of Energy to use the WIPP site to do construction and testing of WIPP. It explicitly prohibits transportation or storage of any waste to WIPP. That administrative land withdrawal is in effect until June of 1991, a fact that is not mentioned in the draft supplement, and a fact that is of some importance in terms of what the draft supplement should be talking about.

The supplement never talks about what DOE can do, what alternatives it has for the WIPP site under the existing administrative land withdrawal.

What is the law? DOE doesn't seem to follow the law very well, so I probably need to quote the law, the Federal Land Policy and Management Act, the law that relates to administrative withdrawals of this site. 6.1-1

What that law says, 43 USC 1714(j) says, the secretary -- and for the Department of Energy's information, it's the Secretary of the Interior that the law is talking about, not the Secretary of Energy.

The law says the secretary shall not make, modify or revoke any withdrawal created by an act of Congress, nor can the Secretary of Interior make a withdrawal, which can be made only by an act of Congress. And I think it's very clear, both in the law and in terms of how Congress has proceeded over the last two years, that it's Congress that has to decide through the law whether there can be a withdrawal at WIPP for any

purpose involving waste, whether it's transportation, storage or disposal.

So I submit that in fact there can be no administrative -- no further administrative land withdrawal at WIPP that would allow any waste to come in. That is -- that is also, interestingly enough, the Department of Interior's position, and it has been for more than ten years, and the Department of Energy knows it. Why don't they report that fact in the Draft Supplemental Environmental Impact Statement?

But let's look at what the Department of Interior would have to do under the DOE's proposed action. Under this proposed action with an administrative land withdrawal the Department of Interior through the BLM would have to oversee and regulate this test phase. What capability does BLM have to do that? Is that discussed in the document? No. 6.1-1

Is BLM even involved in determining whether the proposed test plan phase is adequate? Meets any criteria that BLM has? Is that issue discussed in the document? No.

How will the Department of Interior evaluate whether that test phase is successful? Is that issue discussed in the document? No.

What is BLM's expertise to monitor in situ experiments at WIPP related to gas generation or anything else? Is that issue discussed in the document? No.

How would BLM from a regulatory standpoint enforce

retrievability of those so-called experiments when the site is not shown to comply with the EPA standards? What regulatory authority does BLM have to force the Department of Energy to retrieve waste from WIPP and take them to sites the Department of Interior doesn't control? Back to Rocky Flats in Colorado, back to Idaho, or other places. Does the document talk about any of this? No.

DOE says their test plan is for three to five years. Sometimes they say they don't know how long it's for, but the document talks about a three- to five-year test plan. The administrative land withdrawal application they filed with the Department of Interior calls for an administrative withdrawal until 1997. Well, usually three years and five years is not the same as eight years under most people's mathematics. So does this document describe why there's a need for an eight-year administrative withdrawal? No, of course not.

What is another issue is what is BLM's technical expertise and authority regarding the mixed waste that would be coming to WIPP during this experimental phase? And again, what is their authority? How are they going to be involved in RCRA compliance? Does the document discuss the issue? No.

So the simple question then is, which again, of course, the document doesn't even address, let alone answer, is how can DOE begin this test phase in September without a

6.1-1

congressional land withdrawal, without an administrative land withdrawal from the Bureau of Land Management and the Department of Interior? Well, of course, once again, the document doesn't respond to that issue at all. It doesn't even mention it, it doesn't discuss it.

I guess there's a final consideration that I would pause at both the DOE and the Department of Interior. The Department of Interior's responsibility for land management, among other things, is that the public lands be managed in a manner that will protect the quality of the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource and archeological values. That's also from RCRA.

How could the Department of Interior therefore with that legal mandate approve DOE's proposed action when the document itself admits that of the three alternatives it considers DOE wants to do the one that kills and injures the most people? How -- how is that consistent with the Department of Interior's responsibilities?

Of course, the same question can be raised about the Department of Energy.

MR. EIGUREN: Mr. Hancock, could I ask you to bring it to closure, sir?

MR. HANCOCK: Yes.

MR. EIGUREN: Thank you.

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MR. HANCOCK: Finally, how is the Department of Interior going to evaluate the supposed national security claims that DOE has? Congress hasn't said there's a national security crisis that requires WIPP to open, naither has the president. So how is the Department of Interior going to evaluate? From the Department of Interior's purposes, why does the document not analyze the alternative of not opening WIPP at all until Congress passes a land withdrawal bill to legally require -- to legally do what RCRA requires? No. 6.1-1

The conclusion is that this supplement is inadequate, it has to be reissued in draft form so that we can go through this process again and see if DOE does it better the next time in terms of issuing a document the public in fact can comment on within adequate time to do so. 2.3.3-1

Thank you. 15-Jun-89: TS-00317, PAGE 8 OF 8

MR. EIGUREN: Thank you.

Next call Myla Reson.

Myla, before you go on -- Mr. Hancock, could we ask that you return?

MR. ARTHUR: That's not necessary. Just one clarifying point, and I thank Mr. Hancock for bringing it up.

Is this better?

MR. EIGUREN: For the record, this is Mr. Arthur asking a clarifying question.

MR. ARTHUR: Sorry. I apologize.

Just one point, not a clarifying question so much, but I thank you for pointing that out that as you recall in my opening statement this morning when I talked about the secretary's decision in December, that was in my first opening remarks, I after that statement stated that there will be an extension on the comment period. We will make any necessary adjustments to the overall schedule, and I thank you for bringing that to our attention.

MR. HANCOCK: Thank you.

Mr. Hearing Officer, I am not aware, is the BLM's April 19th Federal Register notice about their participation in these proceedings -- is that part of the record?

MR. EIGUREN: It is currently not. It will become a part of the record.

MR. HANCOCK: Thank you. I can submit a copy, if you like. 15-Jun-89: TS-00318 PAGE 1 OF 8

MR. EIGUREN: I have a copy.

I next call Myla Reson, who is representing the Citizens for Alternatives to Radioactive Dumping.

May we have your mailing address for record? And you may begin.

MS. RESON: Well, good morning, all of you. Welcome to Santa Fe.

MR. EIGUREN: Myla, we can't hear you again. I'm sorry.

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MS. RESON: Good morning and welcome to Santa Fe.

My name is Myla Reson, my address is Post Office Box 803, Santa Fe, New Mexico.

MR. EIGUREN: Thank you.

MS. RESON: I'm here today representing the Citizens for Alternatives to Radioactive Dumping, or CARD. CARD is a statewide organization that has been opposing the WIPP Project for the past ten years, because we believe that WIPP poses an unacceptable threat to our --

MR. EIGUREN: Could I ask to turn up the mike?

MS. RESON: Can you hear me now?

MR. EIGUREN: Now we can here you great.

MS. RESON: Great. Let me start again.

I am here today representing CARD, Citizens for Alternatives to Radioactive Dumping. We are a statewide organization that has been opposing the WIPP Project for the past ten years, because we believe that WIPP poses an unacceptable threat to our health, our children, our homes, our businesses, our precious environment and all of the creatures that will live here for the next 250,000 years. We believe that the shipment of thousands of barrels of cancer-causing waste across the highways of America is an ill-conceived and dangerous plan that must be rejected.

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According to the SEIS, the plutonium will pass through Abilene, Texas; Amarillo, Texas; Atlanta, Georgia;

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7.3.3.1-10

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Augusta, Georgia; Birmingham, Alabama; Bloomington, Illinois; Dallas, Texas; Dayton, Ohio; Effingham, Illinois; Ft. Worth, Texas; Indianapolis, Indiana; Jackson, Mississippi; Jackson, Tennessee; Little Rock, Arkansas; Memphis, Tennessee; Meridian, Mississippi; Monroe, Louisiana; Nashville, Tennessee; Odessa Texas; Oklahoma City, Oklahoma; Pecos, Texas; Shreveport, Louisiana; Springfield, Illinois; Springfield, Missouri; St. Louis, Missouri; Terra Haute, Indiana; Tulsa, Oklahoma; Tuscaloosa, Alabama; Vandalia, Illinois; Barstow, California; Blackfoot, Idaho; Boise, Idaho; Boulder City, Nevada; Cheyenne, Wyoming; Colorado Springs, Colorado; Denver, Colorado; Flagstaff, Arizona; Glenns Ferry, Idaho; Holbrook, Arizona; La Grande, Oregon; Laramie, Wyoming; Las Vegas, Nevada; Los Angelas, California; Ogden, Utah; Ontario, Oregon; Pasco, Washington; Pendleton, Oregon; Pocatello, Idaho; Pueblo, Colorado; Rawlins, Wyoming; San Bernardino, California; Trinidad, Colorado; Twin Falls, Idaho; Yuma, Arizona; and many smaller communities that were not listed.

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7.3.3.1-10

We feel that this is unacceptable.

I returned to my home in Santa Fe yesterday evening after two full days of WIPP hearings in Albuquerque. I was greatly encouraged by the thoughtful and intelligent testimony that I heard. One of the speakers was former New Mexico Governor Bruce King. He stated that the period for public comment should be extended, that the SEIS should be

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issued in Spanish as well as English -- thank you -- and that no waste should be brought to WIPP before the DOE has demonstrated that WIPP complies with Environmental Protection Agency standards for the disposal of nuclear waste. 3.1-8

We agree, and I'd like to commend you for extending the public comment period until July 10th, but we don't feel that this is adequate for a document of such complexity, and we believe that the public comment period should be extended for six months. 1-3 3.1-3

Yesterday morning on a local television news program Monica Armenta in a story about the hearings reported that DOE officials had stated that all the talking in the world was not going to change anything and that WIPP would be opened in September. 2.3.2-1 8-2

I don't know who was responsible for this unfortunate statement. I hope that you are here today with open minds and that you will choose the reasonable alternative presented in the SEIS, and that is the no action alternative. 2.3.2-2 3.2-1

Last week before the allegations of criminal wrongdoing by DOE officials and their contractors at Rocky Flats had come to light, a woman from national public radio in a report on the SEIS hearings in Denver stated in a most plaintive voice that if WIPP did not open in September 6,000 people at Rocky Flats could lose their jobs. 1-2

I do not want those 6,000 to be unemployed. We

TS-00318, Page 5

the taxpayers are paying the salary of those 6,000. We are paying them to build triggers for nuclear bombs, weapons of mass destruction.

We now have approximately 22,000 nuclear bombs. I have heard that 22,000 nuclear bombs could blow up the world ten times over. I have heard that even a limited nuclear exchange can not only kill millions of people and animals and trees immediately, but would trigger a nuclear terror that scientists would believe would destroy most life on Earth and forever change the face of the planet. 9-1

I do not want those 6,000 workers at Rocky Flats to be unemployed. I would like to provide them with jobs with dignity. Why can't our tax dollars be used to have those workers build housing for the homeless? Why can't our tax dollars be used to have those people plant trees to help ward off the depletion of the ozone layer, which is yet another example of the environmental destruction of the nuclear age?

I don't believe that there is a person in this room who does not know that we have a serious problem with nuclear waste in this country, but WIPP is not the answer. According to the SEIS, only 30 percent of the waste designated for WIPP exists. 70 percent is yet to be generated for future proliferation of nuclear bombs. 1-2

We do not need more nuclear bombs. We need more trees, we need more understanding, we need more laughter, we 3.6-1

need more compassion, we need more love, and we need more hope.

In about 1852 the government inquired about buying tribal land for the people arriving in the United States, and with deepest respect I would like to read the words of Chief Seattle.

"The president in Washington sends word that he wishes to buy our land. But how can you buy or sell the sky, the land? The idea is strange to us. If we do not own the freshness of the air and the sparkle of the water, how can you buy them? Every part of this earth is sacred to my people. Every shining pine needle, every sandy shore, every mist in the dark woods, every meadow, every humming insect. All are only in the memory and experience of my people.

"We know the sap which courses through the trees as we know the blood that courses through our veins. We are part of the Earth, and it is part of us. The perfumed flowers are our sisters. The bear, the deer, the great eagle, these are our brothers. The rocky crests, the juices up in the meadows, the body heat of the pony and men all belong to the same family. The shiny water that moves in the streams and rivers is not just water but the blood of our ancestors.

"If we sell our land, you must remember that is sacred. Each ghostly reflection in the clear waters of the lakes tells of events and memories in the life of my people. The water's murmur is the voice of my father's father. The

rivers are our brothers. They quench our thirst. They carry our canoes and feed our children. So you must give to the rivers the kindness you would give my brother.

"If we sell you our land, remember that the air is precious to us, that the air shares its spirit with all the life it supports. The wind that gave our grandfather his first breath also receives his last sigh. The wind also gives our children the spirit of life.

"So if we sell you our land, you must keep it apart and sacred as a place where man can go to taste the wind that is sweetened by the meadow flowers.

"Will you teach your children what we have taught our children, that the Earth is our mother? What befalls the Earth befalls all the sons of the Earth. This we know. The Earth does not belong to man. Man belongs to the Earth. All things are connected, like the blood that unites us all.

"Man did not weave the web of life. He is merely a strand in it. Whatever he does to the web he does to himself. One thing we know, our God is also your God. The earth is precious to him, and to harm the earth is to heap contempt upon its creator.

"Your destiny is a mystery to us. What will happen when the buffalo are all slaughtered? The wild horses tamed? What will happen when the secret corners of the forest are heavy with the scent of many men and the view of the ripe

hills is blocked by talking wires? Where will the thicket be? Gone. Where will the eagle be? Gone. And what is it to say good-bye to the swift pony and the hunt? The end of living and the and of survival.

"When the last red man has vanished with his wilderness and his memory is only the shadow of a cloud moving across the prairie, will these shores and forests still be here? Will there be any of the spirit of my people left? We love this earth as a newborn loves its mother's heartbeat.

"So if we sell you our land, love it as we have loved it, care for it as we have cared for it, hold in your mind the memory of the land as it is when you receive it. Preserve the land for all children and love it as God loves us all. As we are part of the land, you, too, are part of the land. This earth is precious to us. It is also precious to you. One thing we know, there is only one God. No man, be he red man or white man, can be apart. We are all brothers after all."

Thank you very much.

MR. EIGUREN: Ladies and gentlemen, by my watch it's approximately 11:00 a.m. We're going to take a brief recess and go back on record at 11:10.

(Proceedings in recess.)

MR. EIGUREN: We will now formally go back on the record.

9-1

This is United States Department of Energy proceeding number EIS 0026-DS, being held June 15th, 1989, in Santa Fe, New Mexico. As I mentioned earlier, the purpose of our hearing here is to receive public comment regarding the Draft Supplemental Environmental Impact Statement prepared in relationship to the Department of Energy's Waste Isolation Pilot Plant near Carlsbad.

We'd like to formally go back on the record. I would request respectfully that you would take your seat so that we may begin again.

Prior to the recess we had heard the comments of nine commentors this morning.

I'm going to slightly deviate from the order and bring up one of our commentors who is preregistered for this morning whose name is Dr. H. Brown. Dr. Brown represents the Physicians for Social Responsibility, and he has a prior commitment that would require his leaving here shortly. So we will now take Dr. Brown who will speak on the behalf of Physicians for Social Responsibility.

Ladies and gentlemen, I'd like to ask you to please sit down and be quiet. I'd like to begin once again.

Dr. Brown, if we could have your name and address for the record, sir, and the group you're speaking for, and you have ten minutes for comment.

DR. BROWN: I'm Dr. Harold Brown.

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MR. EIGUREN: Dr. Brown, you need to speak into the gold microphone to your left.

DR. BROWN: Oh. I'm Dr. Harold Brown.

MR. EIGUREN: It's not on, Doctor. Just a moment.

Could we get somebody from the control booth, please, to turn on the podium mike?

There we go.

DR. BROWN: I'm Dr. Herold Brown, and I would like to read a statement that was put together for the Physicians for Social Responsibility by Dr. John Collignon and by me. The address for Dr. Collignon is 2871 Plaza Blanca, Santa Fe, New Mexico, 87505.

The Waste Isolation Pilot Program, WIPP, presents a multitude of serious potential health and safety problems, risks to the general public, which have not been addressed before.

One such hitherto ignored problem is the following. This planned project will extend over twenty to twenty-five years and involve thousands of truckloads of radioactive waste, including plutonium, transported over thousands of miles interstate and two-lane highways through some twenty or more states. It is imperative that trained emergency personnel be in constant readiness along all of these truck routes to respond immediately to the ever present risk of accidental spills. Logistics and technical levels of training

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must be kept at constant update. Clearly the federal government must assume this responsibility.

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7.12.9-7

The past history of the Department of Defense and of DOE performance and responsibility in forty years of nuclear weapons manufacture has left a trail of nuclear waste contamination of the environment of incredible magnitude. All five of these production facilities are presently shut down: Hanford, Washington; Idaho Engineering; Rocky Flats; Ohio Feed Process; Savannah River. Senator John Glenn has stated that "In the name of national defense we have been poisoning our citizens," and the cost will now be billions of dollars for clean-up.

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Further revelations have now come to light. The FBI as of June 6, 1989, filed an affidavit, following search, charging criminal violations at Rocky Flats involving illegal burning of radioactive waste and illegal discharge of hazardous waste into streams and lakes supplying domestic water to Broomfield, a city of 27,600 people, and other Colorado towns. They further charge cover-up by DOE and Rockwell International Corporation, the plant operator.

Can the people now or ever trust DOE to carry out this new promise and responsibility to make WIPP safe?

Thank you.

MR. EIGUREN: Thank you, Doctor.

Doctor, if we could -- Doctor, if we could, we'd

like to have the written statement for the record. Could I have that, sir?

DR. BROWN: Sure.

MR. EIGUREN: I'll mark it as Exhibit 302 for the hearing record. The written statements of Drs. John Collignon and Harold Brown on behalf of Physicians for Social Responsibility of Santa Fe, New Mexico, will be Exhibit Number 302 for the record of the proceeding.

(Exhibit 302 marked.)

MR. EIGUREN: I'm informed that the court reporter is having difficulty hearing.

Is it better?

THE REPORTER: Yes. Thank you.

MR. EIGUREN: I'd also mark as Exhibit Number 303 for the record of this proceeding the written comments of Peter Goodwin, Councilor, District 1, City of Santa Fe.

(Exhibit 303 marked.)

MR. EIGUREN: Our next scheduled commentor is Sagemaya Dandi on behalf of Vacinos.

Good morning, sir. If we could have a mailing address for the record, and you have ten minutes for comment.

MR. DANDI: Can you hear me?

MR. EIGUREN: Yes.

MR. DANDI: My mailing address is 1492 Canyon Road, Santa Fe, New Mexico. 15-Jun-89: TS-00320, PAGE 1 OF 7

MR. EIGUREN: Thank you.

MR. DANDI: 87501.

Gentlemen, I'm elated that the Department of Energy is here for citizen input. I've tried every method I know to get the federal government to address the issue of responsibility for movement on public highways. This is the first time other than in tangential ICC regulations that the issue of federal rights, individuals' property rights, and the issue of the states' rights to regulate transportation have inexplicably met.

If I might paraphrase Will Rogers, all I know is what I read in the newspapers. And so please correct me if I'm wrong, but as I understand the structure of governmental society, the DOE, a subsidiary of the federal government, has the right to invoke two words, national security or national defense, and do anything that they want regardless of what these hearings might reveal.

We have a wonderful system of free enterprise and capitalism in the United States. It is a system to which the entire world is gravitating. Now, I want to read you a definition of capitalism which comes from the new Merriam-Webster dictionary in our public library:

"Capitalism, an economic system characterized by private and corporate ownership of capital goods, by investments that are controlled by private decisions rather

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than by state control, and by prices, production and the distribution of goods that are determined mainly in a free market."

I believe it was President Ronald Reegan who called government a private corporation. I'm glad he did. If I and my brothers and sisters of the bicycle have not suffered so inexorably and execrably, I suppose I would find it humorous that the public highways in the United States is the only place where the concept of property does not exist.

If we as human beings believe we have the right to create any substance defined as hazardous, and furthermore submit that for our safety that substance must be moved somewhere, we have an unparalleled responsibility to establish safety in movement on public highways. And we need to redesign the automotive transportation system.

I charge that the paved roadway section of public highways in the United States is the most dangerous section of space on the entire planet where any human being can be. Moreover, New Mexico highways are the most dangerous of any other state in this nation.

Now, it is well within the realm of intelligent life on this planet to reengineer a transportation system which will entirely eliminate the possibility of a 3,000-pound mechanical device from slamming into a human being.

The Department of Energy in callous disregard to

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its own SEIS document, I believe it's S-9, the chart, which states that rail transportation would be safer than trucking, is attempting to move the most dangerous substance known to man by a method which is the most dangerous of all the transport systems in a space that is the most dangerous on the planet.

Such actions challenge the intelligence of reasonable and prudent people and the democratic process which gives legitimacy to the United States.

A wise man can debate and argue and have opinions about what would be the best space for something to be in. One could be right, or all could be wrong. But the issue which defies debate is movement. All of the facts are clearly in front of us in transport. If we cannot establish a system of safety in movement, then perhaps we should all drew a circle and remain inside.

Both state and federal highway transportation officials have confirmed that automotive transportation is doubling every fifteen years. Moreover, in high growth areas, such as Sunbelt states, the growth is much more rapid.

If I might submit these copies of newspaper clippings. One is from USA Today that says the United States is losing its war on gridlock.

An aside, gridlock is a word that has been created over the past twenty-five years solely as the result of the automotive transportation system's failure to meet the demands

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placed upon it.

The second is from the New Mexican, which -- that was the one that went under the podium, I believe -- which shows that the deaths on New Mexico highways have increased 33 percent during the first four months of this year.

Has the Department of Energy figured such an increase into its projected accident data?

We have a governor who is pro WIPP, and yet in the years of his administration he has not worked to create safety on public highways.

Likewise, a December 30th, 1988, article from the Santa Fe New Mexican about a truck driver I called C. C. Ryder, Cocaine Charlie Ryder. He was stopped near San Antonio after ramming nearly twenty cars with his tractor-trailer. The article states that when he was arrested he was incoherent, perhaps euphoric. Also, that a cache of cocaine was found in the cab of his truck at the time of his arrest.

What if some such person with no insurance slams into a nuclear truck?

Clearly, the era where a branch of government can blame an individual for the responsibility for the devastation of property on public highways has come to an end. If we have to have automotive transportation, then we have to pay for it.

Automotive transportation on public highways has made a mockery of the concept of law. In my opinion, the

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divisions of government is too inextricably enmeshed to fail to address the issue. In income tax and Social Security and immigration and naturalization. All of these presumably federal systems is now linked to the Tenth Amendment to our US Constitution. The very interesting words are as follows.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Now, I would specifically like to call attention to the last four words of the amendment, they're forgotten, "or to the people."

Heretofore, the states have interpreted this amendment to mean that they could promulgate automotive transportation regardless of the issue of property. Now, it would seem to me from the word go in this amendment that neither federal nor state governments could invalidate nor supercede a local democratic vote on the issue until the amendment is changed. Certainly federal or state entities' attempts to circumvent property by virtue of the ambiguity of the Price-Anderson Act and the collision of the Fifth, Ninth and Fourteenth Amendments to the Constitution, would stand little chance of voter approval. Local communities in Santa Fe and in New Mexico are heavily dependent on tourism and recreation.

No people in a democratic society of free

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enterprise will accept the federal government's slithering from the grasp of responsibility of property while contending the authority to invoke federal rights in the sovereign domain of local peoples.

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Thank you.

MR. EIGUREN: Exhibit Number 304 for the record of this proceeding will be two seperate newspaper articles presented by Mr. Dandi for inclusion in the record.

(Exhibit 304 marked.)

MR. EIGUREN: The next scheduled commentor was Peter Biando behalf of the Eagle Wolf Medicine Lodge. I'm informed that he has canceled his appearance this morning, so in his place we will ask the Honorable Bob Light, a member of the New Mexico State Legislature, to step forward. Following Mr. Light will be Douglas Conwell of Earth Works and Silvi Solomon of the Environmental Voters' Alliance.

Representative Light.

MR. LIGHT: Ladies and gentlemen, honorable DOE officials, it's a pleasure to be here. I'm really scheduled for 9:20 tonight. I'm twelve hours ahead of time.

But I did want to make a comment, because if you don't know me, I am pro WIPP. And I don't mind you feeling strongly about that, but I feel strongly about it. I sit on two committees at the state level. I've been in government, either county or state, since 1979.

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The WIPP site is in my district as a county commissioner, it's in my district today as a state representative from Eddy County. There's nothing more important to Eddy County residents than the safety of WIPP.

I'd like to make a statement that's a strong statement, that I feel that DOE in their effort to produce a facility to store transuranic wastes that are defense related have been more than level with us in all of their actions in the Carlsbad, Eddy County, area. We have found them to be as truthful as anyone we have dealt with.

Now, I hear a few anti comments there, but believe me, I am a business person, my entire livelihood is out of Carlsbad, New Mexico, and I would not promote WIPP if it didn't have a safety factor involved.

When we talk about safety -- and I sit on various committees at the state level. I'm on the Radioactive Hazardous Materials Committee, I have chaired the Interim Energy Committee for two years, I serve as vice-chairman of the Energy Committee for the National Conference of All State Legislatures, I am on the Executive Committee of the Southwest Energy Council, and I am energy oriented.

And I'd like to make this statement, that WIPP is nothing but a step in proving to the world, demonstrating to the world, to ourselves and all of you that we can store and handle our nuclear wastes. We are so far behind the rest of

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the world -- our electrical energy in this country is 20 percent of our needs produced by nuclear. Other countries in the world like France and Japan are near 90, 80 and 90 percent, Korea 50 percent.

We need a source of energy, and nuclear is one that does not pollute the atmosphere.

MR. EIGUREN: Let him finish. Quiet.

MR. LIGHT: I expected that.

UNIDENTIFIED SPEAKER: What kind of atmosphere do you have?

MR. LIGHT: My comment --

MR. EIGUREN: Let him finish, let him finish.

MR. LIGHT: My comment has to do with the greenhouse effect. It's with us today, and it's very serious. We're putting more and more CO2 into the atmosphere and carbon monoxide in the atmosphere, nitrous oxides. We must be very careful that as we see this world develop and other nations pick up a standard of living that we enjoy in this nation, they, too, will be polluting the atmosphere. And there's solar and wind and geothermal, and there's nuclear that does not put out a pollutant into the atmosphere.

But we must find a way to control the waste. If we don't, we're going to find ourselves short of energy.

I am a pro WIPP person. I feel like we have had a lot of comments here with people who are anti WIPP. I feel

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it's but one step. And you can never be 100 percent. I have never been 100 percent on anything in my life. I do feel I'm a successful business person, but I don't know of anything I've had 100 percent success in.

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We must weigh the risk factor, and we must move forward, and we must demonstrate to ourselves, to our nation, and to the world that we, too, have the ability to handle nuclear waste. WIPP is just one example of that effort.

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And I thank all of you for being here. I thank all of you for listening to me. I feel that you're all my friends. And I would hope that when we see WIPP open, if, in fact, it does, and I think there are a lot of problems -- I see the lack of credibility of our DOE as far as Rocky Flats is concerned, everyone can read that, but I don't feel we have that problem with the WIPP site.

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The red light hasn't come on, but I want to thank all of you for listening to my statement, and I thank you for allowing me to speak.

MR. EIGUREN: Our next gentleman is Douglas Conwell from Earth Works. Mr. Conwell?

I will call these names. In the event that we don't have someone that appears at this point in time, we'll call their name before the end of the hearing once again.

Silvi Solomon on behalf of Environmental Voters' Alliance. Silvi Solomon?

I'll call that name once again later.

The next scheduled commentor was Dr. Brown, Physicians for Social Responsibility. That statement has been made.

The next commentor then will be Dr. Challis Glendinning on behalf of Waking Up in the Nuclear Age.

DR. GLENDINNING: My name is Dr. Challis Glendinning, and my address is Box 381, Tesuque, New Mexico, 87574.

I'm representing an organization called Waking Up in the Nuclear Age, which is an organization of mental health professionals in California and New Mexico that helps people deal with nuclear-related distress. I'm a psychologist. My areas of expertise are the psychology of disaster and impending disaster. I've written a book called Waking Up in the Nuclear Age, which is about the psychological effects of living with the arms race. I've just completed a book called One Technology Wounds, which is about what happens to people's psyches when they are exposed to dangerous contaminants like radiation.

I've lectured at the American Psychological Association, the international group Psychotherapy Association, the Association for Humanistic Psychology, Langely-Porter Psychiatric Institute and other places. My interest is the medical, psychological and social effects of the WIPP Project. 7.2-3 7.2-6

When I surveyed the SEIS document I could only conclude that the DOE is not aware of the medical, psychological and social effects of possible leaks, accidents and contaminations of workers, travelers and residents near the plant and on the transport routes. 7.2-3 7.2-6

So a question arises, gentlemen, why do people like myself, who are outside of the industry, know about these effects and that DOE does not?

I'd like to give you a psychology lesson in answer to that question.

Defense mechanisms are filters of attention that allow humans to avoid uncomfortable experiences. They're natural. They originated to help us cope with danger and deal with the daily barrage of stimulus and ultimately to help each and every one of us deal with the fact that we're going to die. They're supposed to facilitate sanity and survival. 9-1

However, when they're applied to nuclear technology, they don't. Instead they keep us from awareness of realities that we need to tend to, and they block access to psychic resources that we so desperately need at this time in history. In other words, what originated for human good becomes pathological in its service to temporary comfort.

I'd like to be more specific. Repression is a psychological defense mechanism. It is blanking out the facts and blanking out our feelings about the facts. When speaking 7.2-3

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of the arms race and its inevitable buildup of nuclear waste back in the '50's, the first general manager of the Atomic Energy Commission, Carroll Wilson, he was the general manager in the '50's, and today, he was quoted as saying "We just didn't think about it." That's repression.

When I review the SEIS report I also must conclude that the DOE just didn't think about it. There is no report at all on the medical, psychological and social effects of leaks, accidents or contaminations that take place in the normal course of activities, like loading and unloading containers, or just driving TRUPACT trucks down the road. 7.2-3

Denial is a psychological defense mechanism. This is the refusal to accept things as they are. It is distinct from repression, because you don't erase an entire situation from your minds, rather you just readjust the facts to make the case more palatable.

For instance, now, here's a textbook case of denial of the medical and environmental effects of radiation. The managers at Savannah River who are sanctioning bulldozing cardboard boxes with plutonium-contaminated refuse into open ditches. 2.3.1-2 3.2-1

Likewise, the SEIS report asserts no mine problem. This is denial. Likewise, the DOE knew about the cracks in the walls and ceilings at the site several months ago, and yet there's no mention of that in the SEIS report. This is denial.

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The SEIS does not address many potential problems, like gas generation of waste materials, the effectiveness or noneffectiveness of shaft-sealing technologies, fracture zones around the WIPP, the possibility of human error. This is denial. 2.3.1-2

Projection is a psychological defense mechanism. This is the act of splitting the content of our perceptions into good and bad, and then we externalize either those that we deem good or those we deem bad onto something outside of ourselves. And this is where the human mind creates enemies and heroes.

The DOE has always and the SEIS report continues to paint an image of WIPP as a high tech superhero. With all its chrome, steel, remote fingers and shiny elevators, the idea is, the image is that it will create prosperity and security. And yet all we have to do to see beyond this projection is look at the so-called prosperity and security of the people near other DOE facilities, Savannah River, Rocky Flats, Fernald. Those people who have succumbed to cancer and leukemia and who have had their air, their water and in some cases their property values ruined. 3.2-1

Interjection is a psychological defense mechanism. It's the flip side of projection. You take in and you identify with whatever other people tell you. You swallow whole stances that you haven't really thought about. 7.2-3

Standing behind the SEIS report is an unspoken attitude and motivation, and that is that opening WIPP serves national security, because it allows the US to build more bombs. However, implicit in this attitude is no recognition of important changes in the global context. For instance, the economic, environmental, health and social demands of continuing the arms race on the super powers. For instance, the impossible predicament caused by increasing numbers of nations acquiring nuclear weapons. For instance, political developments, good ones, like Gorbachev's new thinking, political developments, negative ones, like the unspeakable gap in resources between the north and the south. For instance, and here we have the real issue at hand that we really need to tend to today, saving our fragile biosphere from extinction.

Any rational person can only conclude that given these changing contingencies, if national security is the motivation behind WIPP, the good people of the DOE have allowed whole, old and dysfunctional attitudes to come into them, to be interjected into their minds, attitudes that are no longer relevant in this world.

Rationalization is a psychological defense mechanism, and this is the last one I want to mention. This is the psychological alibi. It allows people to hide the truth by blocking feelings and motives with rational-sounding explanations.

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Due to lack of attention to issues of critical importance, to the health and safety of people and the environment, my professional opinion as a psychologist is that the SEIS document is one massive rationalization for an overwhelming drive to open WIPP no matter what is real.

I would also like to point out the possibility of rationalization going on in the room right now. In the past DOE officials have been quick to say, oh, those people who criticize WIPP, they don't know what they're talking about, those people are too emotional.

I wonder as a professional if this kind of thinking is not just a rationalization to protect DOE officials from actually taking in, actually thinking about and, perhaps most painful of all, actually feeling what concerned citizens are presenting.

I'd like to close by suggesting the possibility of a psychological breakthrough. My colleague, Dr. Steven Cell, has done a study of top defense planners, and he's written a book about it called Minds at War. He found that when questioned individually Pentagon experts admit that nuclear arms production is unsafe and cannot continue safely, and yet when they are together with their colleagues for psychological reasons, for reasons of group cohesion and pure identification, they never reveal the big secret.

My question to you today, now that you understand

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something about human psychology, who working on the WIPP Project at DOE has the courage to admit the big secret about WIPP? Who has the courage to make the breakthrough beyond defense mechanisms to a glimpse of reality that's not based on defense but is based on real human caring?

Thank you. 15-Jun-89: TS-00322, PAGE 7 OF 7

MR. EIGUREN: Ladies and gentleman, we have three additional commentors scheduled before a luncheon break. I'd like to point out for the record that I have been trying with grace to accommodate individuals who are preregistered, and we've been running behind time, trying to bring them up in order to allow them to meet the time commitments I have. But what I intend to do at this point in time, ladies and gentlemen, is call the next three commentors and have them present their comments in order, and then we'll take a very brief luncheon break.

If any of you who are preregistered, who are scheduled and preregistered to comment today, do have problems with timing and need to have some sort of flexibility built into that, we would be glad to respond to you, if you'd just talk to me right after these three commentors are finished.

I would next call Sasha Pyle. Following Sasha Pyle will be John Grover. Following John Grover will be Rex Allender.

Sasha Pyle on behalf of Concerned Citizens for

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Nuclear Safety, and I'd also add the star of the Today Show.

MS. PYLE: Not quite. 15-Jun-89: TS-00323, PAGE 1 OF 9

I'd like to preface my remarks by saying it's a privilege to speak in the company of the people who have been speaking here this morning, the range of approaches and the eloquence has been quite inspiring. I am, however, mystified that two of our elected officials keep referring to nuclear energy as if WIPP were a repository for energy waste rather than arms race waste. And I'd like to say that if our elected officials can't even figure out what's going in WIPP, we're not doing a very good job as voters.

These hearings are held to consider a lengthy document, DOE's Supplement to the Environmental Impact Statement for WIPP, prepared to comply with the National Environmental Policy Act.

This Environmental Impact Statement, like many before it, disappoints. It in no way resembles a realistic assessment of WIPP's very real hazards, nor does it address the full range of pertinent scientific evidence, nor does it give more than cursory mention to alternatives, which by law it must fully explore.

And just as the SEIS does not meet its legal mandate, it fails to inspire confidence that WIPP can meet its mandate, to safely transport and effectively isolate a large volume of toxic radioactive and chemical garbage spawned by our

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nation's bomb-making program. 15-Jun-89: TS-00323, PAGE 2 OF 9

Today I'm representing Concerned Citizens for Nuclear Safety. We have extensively analyzed the many shortcomings of this document and will submit our findings in writing. The brief time for speaking does not allow me to discuss the SEIS in detail here. I will just touch on some highlights -- or rather low points.

First, the document is not objective. It references only those materials that support its proposed action of opening WIPP now without first meeting federal law. Sources have been selected from only one end of the spectrum of scientific evidence and interpretation, mostly findings of DOE and its contractors. The omissions are glaring. From about forty hydrogeologic and operational safety reports that have been issued by the Environmental Evaluation Group, or EEG, New Mexico's official WIPP watchdog agency, only one is cited. Findings of the Scientists Review Panel, which contradict DOE's rosy predictions, have been ignored. If it's not objective, it's simply not science.

Other examples of bad scientific process abound in the SEIS, notably undocumented assumptions or arbitrary guesses on which risks and release scenarios are then based.

Some notable examples. Equipment functioning at 99.999 percent efficiency in a worst case scenario, no factor of human error in transportation or waste emplacement, no

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population growth in the site area for 10,000 years, no climatic changes in that period, a maximum credible breach in a TRUPACT container being a pinhole, thus neatly resulting in no spill and no combustion.

The document also fails to analyze the consequences of a crushed TRUPACT, simultaneous impact from two sides, even though it states that a crush is the worst accident effect. In Europe a crush test is required of nuclear waste transportation containers.

Under NEPA the SEIS must fully address potential impacts of WIPP. Yet the SEIS often cites future experiments or yet unwritten studies. Data or paperwork generated in the future, or other key documents that are still in draft form, are supposed to justify current actions. This is called illegal segmentation, and there's a lot of it in the SEIS. It's also consistent with the fact that this document was generated to justify a course of action that was embarked on ten years ago.

There are two alternative actions mentioned in the SEIS, a no action alternative of leaving the waste where it is while the WIPP site is further studied and other means of disposal are explored, and a second alternative of opening WIPP only after demonstrating EPA compliance. These are hastily dismissed. Waste treatment methods other than geologic disposal aren't mentioned.

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7.3.1.1-9
7.3.4-2
2.3.1-1
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The SEIS fails to consider socioeconomic impacts of WIPP on New Mexico or the nation. The ominous threat to New Mexico's tourist economy should a spill, or even an accident without a spill, occur during shipping, the loss in property values all along the routes, health care and insurance costs to the public and other negative economic consequences are ignored. 7.2-1 7.2-2 7.2-9 7.2-14

The SEIS fails to justify the proposed five-year experimental plan, which is the main excuse for opening WIPP without meeting standards first. Independent scientists have concluded that the gas experiments DOE says it needs to conduct underground to prove WIPP is safe can in reality only be done properly in an aboveground laboratory setting. 7.11-1 7.11.2-1

And finally, the SEIS addresses old EPA standards that no longer exist, after being vacated and ordered rewritten by a federal court in 1987 for not meeting the Safe Drinking Water standards. Not only does the SEIS focus on these outdated and invalid EPA standards, it also clearly indicates there is quite a bit of doubt that WIPP can meet even those.

What happens if the site is determined not to meet EPA standards after the waste is already in the ground is not clear. At any rate, the months DOE has to wait for the EPA to finish writing the new standards are insignificant when compared with the 10,000-year legal control period for waste containment or the 240,000-year lifetime of plutonium. The 3.1-3

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reason DOE doesn't want to wait for the new standards is they know they have even less chance of meeting those than the old ones.

CCNS has always described itself as a pro-safety group, not an anti-WIPP group, but we feel we must oppose the premature opening of WIPP or any land withdrawal for purposes of waste emplacement until such time as the site, operations and shipping program can be documented to be safe. Safety is crucial when the stakes are so high. 1-2 3.1-2

Concerning the safety of the site itself, there is an overwhelming body of hydrologic and geologic evidence which suggests that it is not suitable for waste containment. In essence, the evidence that has come to light since the so-called site validation phase eight years ago would have invalidated the site if known at that time.

Basically, there's a lot more underground water in the area, and it's moving a lot faster than DOE wants to admit. The list of hydrogeologic features that are still not fully characterized or verified is staggering. Heading the list are brine inflow, aquifer flow rates and directions, pressure differentials, continuity between layers, dissolution, gas generation and dissipation, fracturing and various escape pathways for contamination. 7.7-1 7.7.2-1 7.7.2-4 7.8-7 7.8.4-2 7.8.5-2 7.8.6-1 7.14-9

The SEIS also states very simply, and I quote, "The long-term performance of the WIPP facility depends on the 7.14-25 7.15.2-3

effectiveness of the shaft seals." What's not said is that the technology for sealing the shafts and tunnels is brand new and nothing is known about its long-term performance. And the SEIS admits that shaft seals might be bypassed by migrating waste.

Some testing has been done to characterize the aquifer flow rates, critically important in determining how long it would take contamination to reach the accessible environment. The SEIS admits to limitations in the testing methods, occasional equipment failures and much data interpretation remaining to be done. Again, the conclusions are considerably more optimistic than those of independent hydrologists. Contamination of local aquifers in the Pecos River would constitute an immense ecological disaster. 7.14-25 7.15.2-3

For the site as well as for the ambitious trucking program, health risks and exposures are calculated based on the web of unrealistic assumptions and guesses that DOE calls science. Accordingly, the health impacts analysis in the SEIS is meaningless. 3.2-1 7.3.5.4-3 7.13.1-1

Will waste handling at the site be safe for the twenty-five-year operational lifetime of WIPP? The EEG reported recently on the pre-operational readiness tests that were conducted this spring. Their findings, that WIPP is severely lacking in personnel with adequate academic or professional health physics training, that the attitude towards radioactivity is alarmingly lax and seems to indicate that 7.12.8-1

workers do not fully understand the dangers, that emergency procedures are poorly planned and executed, and so on.

For example, during a simulated spill test the motors for the air monitors were so loud that important safety instructions coming over the loudspeakers could not be heard, and workers wandered in and out of the contamination area without protective gear. 7.12.8-1

But even beyond the question of whether WIPP is safe now or can be made safe is the question of whether it is a solution to our nation's urgent waste crisis as DOE claims it is. We think it is not for the following reasons.

WIPP is intended mostly for future waste. More than two-thirds of its capacity, in fact, is planned for waste yet to be produced. And the already existing waste intended for WIPP is currently stored aboveground in fifty-five-gallon metal drums in protected, monitored environments. This represents only 19 percent of our nation's military, plutonium-contaminated waste. The other 81 percent was improperly disposed of in pits, ponds, trenches and buried in cardboard boxes from which it has leached into the environment, causing health crises near these weapons plants. Sadly, even if WIPP opens and endangers our health in New Mexico, it does nothing to address the environmental degradation that is making Americans sick in other states. 3.1-2

DOE will go to any lengths to keep WIPP alive, 3.2-1

because they've spent $770 million on it, thanks to taxpayers. Common sense tells us that pouring a billion dollars into a hole in the ground doesn't make it the right hole, nor does papering it over with a billion pages of biased paperwork masquerading as science. How much of a commitment is $770 million? We spend $660 million on every B-1 bomber made, and every now and then we crash one.

What is $770 million in the context of the $200 billion clean-up tab that DOE is facing in its other contaminated facilities? What price can we put on clean groundwater, soil and air? On our children's futures? What is the real cost to society when we lose faith in those who are entrusted with our protection, when we seek protection from that protection more than from any other enemy? What has gone wrong when weapons intended to protect democracy result in waste that is forced down the throats of protesting citizens?

I would remind you that DOE's attitude -- I would remind you that DOE's attitude, "Trust Us," rings hollow in the midst of FBI criminal investigations at Rocky Flats Plant where wastes were knowingly illegally dumped and incinerated in the middle of the night and deliberately released into the drinking water sources of four metropolitan areas.

DOE has never had to prove a facility is safe before opening it. Is that why DOE has never operated a facility safely? This is their chance. WIPP as a pilot plant

3.2-1

and first new facility in decades could set a positive precedent for future DOE projects.

We can pass on our radioactive garbage problems to future generations in the hopes that by then someone will have a cure for it. This strategy has a long and proven track record. It's given us air pollution, acid rain, global warming, deforestation, ozone depletion, extinctions and destruction of our wetlands and waterways.

Our recent spate of ecological and industrial disasters has told us that we can't accurately predict how our materials and processes will function over even a few decades, much less thousands of years.

Every time we dump deadly substances into a place that won't contain them we create a toxic minefield for our descendants to stumble through. This random deadliness is no different from lacing Tylenol with cyanide and putting it on the drugstore shelf.

It's time for realistic solutions -- it's time for realistic solutions and a policy of accountability. As it stands now, WIPP is unsatisfactory on both counts.

Thank you.

Do you get my address?

MR. EIGUREN: Please. Thank you.

MS. PYLE: My address is 1672 Cerro Gordo Road, Santa Fe, 87501.

3.2-1

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MR. EIGUREN: Thank you very much.

Next call John Grover. Following Mr. Grover is Rex Allender.

Mr. Grover represents the Santa Fe Board of Realtors.

Give your mailing address for the record, please.

MR. GROVER: My name is John Grover. I do represent the Santa Fe Board of Realtors as president-elect. Our address is 1227 B St. Francis Drive, 87505.

MR. EIGUREN: Thank you.

MR. GROVER: I will comment only briefly that the Santa Fe Board of Realtors, comprised of some 540 members, have signed and endorsed a resolution that we do not want to see any transportation of hazardous waste materials through the City of Santa Fe, and only want to see that happen on alternate routes that are built before transportation starts, and only the transportation to be if it can be done safely. 7.3.3-3 7.15.4-2

We think it is absolutely important that all of the federal laws, rules and regulations that are promulgated by the various departments that are responsible for these kind of activities are met fully. We do not endorse any kind of compromise on that basis. 3.1-3

I would like to address a here-and-now problem that realtors of Santa Fe do face. I have received telephone calls, do you think I should sell my property now before they 7.2-2

TS-00324, Page 2

start transporting hazardous waste materials? If my property is within a close proximity to that route, will my property be devalued? Questions from customers, where is the route going to be? And if I live this distance from the route, will I incur any problems? 7.2-2

Realtors normally carry errors and omission insurance. For my company now that's an annual expenditure of something around $14,000. Errors and omissions insurance generally relate to things like failure to disclose that there is a leak in the roof, a crack in the foundation.

We have requested written response from our errors and omissions insurance company, in which there are fewer and fewer in this country, and which they have not addressed the kind of problems that realtors face in disclosing where the route might be and what kind of expertise they require on our part for disclosing what kind of hazard there may be to those who may live in close proximity to that route. 7.2-24

There are just a lot of serious questions regarding this entire project. Most of us are lay people. My last science course I took was general science in high school and a textbook that said the atom could not be split. It's a little tough for us to weigh the pros and cons of people with PhD's behind their names who are on both sides of the issue and negating each other's findings. What lay people can surmise from this is that there is a serious problem, and there is no 3.1-7

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agreement about it.

And so we simply ask and recognize that emergencies generally are long-standing problems that come to the attention of a sufficient number of people because intolerable conditions are now present and which something must be done about them. If something has come to a point of an emergency and is affecting our national security, it appears to me that the real emergency in the national security problem is that the federal government of this country needs to declare an emergency to go all out to find safe ways to store our hazardous materials.

And, gentlemen, I do not believe that we have reached that point in our science and technology on this project where we can absolutely say that it is safe. I further would like to comment that we hear comments from our federal government officials and politicians that we have low voter turnouts, and that we have nonresponsive citizens who are unconcerned about what goes on in our country. But I would like to mention to you that we have a ground swell of citizen concern in this area about this project. It is genuine concern.

I would hope that our federal government, all of the politicians who we elect and expect to deliver in good and faithful manners, that they will deliver to the American people and to this community something with which we can live and

3.1-7

which we can insure that our grandchildren and their children will be able to live with and that we will not have to do something now for which we will be sorry tomorrow.

I would ask you to look inward, to the best within yourselves, put yourselves in our places, of people who live here, work here, we love this place because of its beauty, its cleanliness, and we ask you to walk in our shoes with us and take a look at WIPP from that angle.

Thank you very much. 15-Jun-89: TS-00324, PAGE 4 OF 4

MR. EIGUREN: Our last scheduled commentor prior to the luncheon break is Rex Allender of the Americans for Rational Energy Alternatives.

Please give your mailing address for the record, sir. 15-Jun-89: TS-00325, PAGE 1 OF 5

MR. ALLENDER: My name is Rex Allender, and, as you said, I'm the director of the Americans for Rational Energy Alternatives, address is 110 2nd Street, Southwest, Albuquerque.

Our organization is made up of members who are interested in and supportive of all forms of energy which can be used as an alternative to the American dependence upon foreign oil imports.

During this talk here I'd like to make a couple of general points. The first is about nuclear energy itself. Listening to what some of the opponents say about WIPP I am

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struck by the thought that they probably hope by attacking and crippling or delaying the WIPP Project by whatever means they may contribute to the general demise of anything nuclear in America.

I don't believe this will happen. The move toward nuclear power generation is well underway in the industrial nations of the world. The nuclear genie is out of the bottle, and we won't be able to put it back in. There is no stopping or turning back the clock to a simpler time of life, regardless of what some of us might like. Therefore, we as a society and the government must face up to this fact of life and deal with the issue that it raises in a logical and rational manner and deal with them now. 9-3

I'd like to illustrate this point with something that you may find interesting. What I'm going to read is a brief excerpt from a speech contained in the Congressional Record of 1875, and I'm now quoting.

"A new source of power, called gasoline, has been produced by a Boston engineer. Instead of burning the fuel under a boiler, it is exploded inside the cylinder of an engine. This begins a new era in the history of civilization. Never in history had society been confronted with a power so full of potential danger and at the same time so full of promise for the future of man and for the peace of the world.

"The dangers are obvious. Stores of gasoline in

the hands of people interested primarily in profit would constitute a fire and explosive hazard of the first rank. Horseless carriages propelled by gasoline engines might attain speeds of fourteen or even twenty miles an hour. The menace to our people of vehicles of this type hurdling through our streets and along our roads and poisoning the atmosphere would call for prompt legislative action, even if the military and economic implications were not so overwhelming." 9-3

The point here is as a nation we've survived the fears of the last century about gasoline, and I think we can survive the fears of the nuclear issue as well. We really need to get on with it.

My second point is about the WIPP Project itself. Our immediate problem about the storage of transuranic waste will not go away. We must have a permanent storage site. The longer we delay in starting a storage program, the more costly and difficult the ultimate solution becomes. We have the ingredients in hand for such a storage program. 1-1

First, the TRUPACT-II container for transporting the wastes, which has gone through extensive testing and is now under review for certification by the Nuclear Regulatory Commission. We have viewed some of the testing processes and gone over the data about TRUPACT and are convinced that the take container will be safe and usable for its purpose. 7.3.1.1-17

Secondly, a well designed transportation system 7.3.2.2-2 7.12.9-1

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with detailed monitoring to get the wastes to the storage location. The monitoring process through satellite tracking is certainly state-of-the-art. We do believe, however, that the training process with first responders should be done on a continuing basis throughout the life of WIPP to compensate for the changing of local personnel. Also, the upgrading of state roads on the route should be funded by commerce, and the roadwork should be done as soon as possible. 7.3.2.2-2 7.12.9-1

Third, I think we have the best kind of storage site in the salt beds of Carlsbad, which reputable and dispassionate professionals agree is a safe site for ages to come. The fact of the age of the salt beds, some 200 million years, indicates a permanency of the site. 7.12.1-2

And last, a program for limited storage and testing of waste in order to verify the process itself before committing to full-term storage. It is certainly a rational method to test in place the storage process as opposed to doing it empirically outside the salt beds.

We certainly agree that in our society there is every right for discussion pro and con of major issues like this, and this subject has certainly been discussed at great length over the past few years, but there comes a time when discussions should cease, decisions be made and we get on with it. We've talked enough, we need to get on with it now. 1-1

MR. EIGUREN: Thank you.

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The written comments of Rex Allender will be included in the record as Exhibit Number 305.

(Exhibit 305 marked.)

MR. EIGUREN: Ladies and gentlemen, that concludes our list of preregistered commentors prior to the break. As I indicated earlier, I know there's a number of you who are prescheduled to testify this afternoon that had some scheduling problems. If you could come up here right after we go off the record here and tell me, I'll try to accommodate you as best I can.

We'll be in recess until approximately 12:30.

(Proceedings in recess.)

MR. EIGUREN: Ladies and gentleman, we'll now come back to order.

It is 12:45 p.m. on June 15th, 1989. This is United States Department of Energy proceeding number EIS 0026-DS, which is being held in Santa Fe, New Mexico, for the purpose of receiving public comment regarding a Draft Supplemental Environmental Impact Statement prepared in relationship to the proposed operation of the Department of Energy's Waste Isolation Pilot Plant located near Carlsbad.

Prior to our recess, which occurred at 12:10 p.m., we had gone through a list of sixteen preregistered commentors. We are at that point in the public hearing here where we're receiving comment from elected officials, designated spokesmen

for Indian tribes and designated spokesmen for public interest groups. We are now at the fifteenth order on the witness list.

Our intent will be to continue down the list of preregistered commentors until we complete that list, which at this time was tentatively scheduled to be approximately 7:50 p.m. this evening. It has been our practice approximately every ninety minutes or so to take a very brief recess to allow the court reporter to change tapes and reporting equipment and also allow people to stand up and stretch.

The commentors during this segment of our public hearing do have ten minutes within which to offer comment. We would ask if they do have written comment with them and would like to submit it for the record to please give it to me, I'll mark it as an exhibit and put it into the record.

During the recess of this hearing we did receive the written comment of Mr. Rex Tilousi on behalf of the Havasupai Tribe, and his comments in writing will be marked as Exhibit Number 306 included in the record as received.

(Exhibit 306 marked.)

MR. EIGUREN: At this point in time for the first part of our afternoon session the members of the DOE are Mr. Critz George and Mr. David Lechel. They are the representatives of the Department of Energy who are hearing this portion of the testimony. They are senior departmental people responsible for the Waste Isolation Pilot Plant.

With that we'd like to receive additional public comment. The next scheduled commentor is Dr. Victor LaCerva on behalf of the New Mexico Public Health Association.

Dr. LaCerva, if you could go over there, sir. At nine minutes the green light goes on, and at ten minutes a red light goes on.

Following Dr. LaCerva will be David Mulligan.

Proceed, sir.

DR. LA CERVA: The American Public Health Association represents 60,000 public health professionals throughout the United States. And it recently adopted a policy statement delaying the Waste Isolation Pilot Project, a nuclear waste repository, until safety is assured. This was done at its 116th annual meeting in November. The statement was submitted to the national organization by the New Mexico Public Health Association, which is the local affiliate of which I am current president and have been president since November of 1988.

The New Mexico Public Health Association represents close to 300 public health workers statewide in New Mexico. This includes physicians, public health nurses, emergency medical service personnel, nutritionists and others working in the public health field.

The New Mexico Public Health Association attended Congressional WIPP debate throughout the fall of 1988 with 3.1-2

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alarm noticing that important public health concerns, such as federal environment, the standards for nuclear waste storage, bypass routes around population centers and baseline health studies in surrounding communities, were being bargained away by Congressional committees.

The Executive Committee of the New Mexico Public Health Association passed a policy resolution which was submitted to the American Public Health Association for consideration at its annual meeting. The governing council of APHA overwhelmingly voted to pass the New Mexico resolution.

Both state and national public health groups have felt that important public health concerns have not been receiving the attention that they need in the WIPP debate. The resolution asks that the federal government not open WIPP until federal health agencies have declared it's safe, until baseline health studies have been carried out and that the EPA standards are adhered to.

National concern about the safety of nuclear facilities has never been higher. Recent DOE reports around the country have noted the failure of the federal government to monitor properly its nuclear facilities.

So what I'd like to do now is move on to reading the actual resolution which was passed by this public health organization representing 60,000 public health workers across the country.

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7.12.10-1

3.1-2

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The American Public Health Association:

Having passed thirteen policy resolutions regarding radiation hazards since 1954 -- so the agency's involvement in radiation concerns is not a new one --

Providing leadership in efforts to monitor and abate radiation hazards for more than thirty years; and

Noticing with alarm the attempt by the Department of Energy to rush the opening of the Waste Isolation Pilot Project in Loving, New Mexico, before there are Environmental Protection Agency standards promulgated to address the siting and operation of such nuclear waste repository facilities; and

Noting that DOE internal testing has found an unforeseen brine seepage that may compromise the suitability of the site; and

Understanding that there is no completely safe mechanism to transport nuclear waste and that the DOE selection of truck transport constitutes a potential health hazard to large numbers of people; and

Recognizing that 1,607 radioactive waste shipments planned for transport to the WIPP site in the first three years of operation will pass through at least twenty-three states and constitutes a potentially significant national health hazard;

We, therefore, urge the Department of Energy to delay the opening of WIPP until its safety is assured by federal health agencies independent of the Department of

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Energy;

We urge the Department of Energy to immediately carry out baseline health studies it promised communities close to the WIPP site. These studies must be completed prior to the storage of any waste; — 7.12.10-1

We call upon the EPA to develop and implement with public involvement the final standards to assure the safe operation of nuclear waste repositories; — 3.1-3

We urge Congress to mandate the development of technology and procedures for the safe transport of nuclear waste, which includes containers that pass independent laboratory studies. — 7.3.1.1-25

As evidenced by the APRA resolution, which, remember, was passed back in November, and so there certainly has been some progress on these issues since then, there are still three critical areas that need to be addressed before this large group of public health professionals feels that any amount of material can be sent to the WIPP site.

The first is that EPA standards must be met. This is a basic minimum requirement. And it is clear that other sites around the country that have not met these standards have suffered adverse consequences. The DOE itself estimates that it will take fifty years and more than $100 billion to clean up air, soil and groundwater contamination at other facilities. — 3.1-2

The second critical area is that of transport

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issues, which really are threefold.

The first issue concerns the lack of promised bypasses in order to avoid shipment of waste through highly populated areas, including Santa Fe. Almost a thousand shipments per year for twenty-five years is bound to result in some motor vehicle crashes. Indeed, New Mexico leads the nation in traffic fatalities from highway crashes. Half of those involve alcohol. So we are a high-risk state in terms of transport in general. — 7.15.4-1

The second component of transport issues relates to the container in which the materials are shipped. It is yet to be approved by the Nuclear Regulatory Commission, and even then those minimum requirements do not address all crash scenarios such as those involving lots of fire. The first two versions of the shipping container have failed the tests, resulting in contamination at the site. — 7.3.1-2, 7.3.1.1-2, 7.3.4.1-1

The third and final piece of the transport issues relates to training of emergency response personnel. Although some training has occurred in New Mexico, there are no plans for ongoing training beyond the first two years. And there's an old saying in medicine, what you don't use you lose, and it certainly becomes critical when we're talking about the training of our frontline personnel. The training that was done reached limited numbers of people and did not include responding to crashes involving remote handling of wastes. — 7.12.9-1

In addition, no monitoring equipment was given out, so that radiation risks cannot be assessed by our first responders in rural areas. They must wait for the state administration, EID folks, to show up. 7.12.9-3 7.12.9-5 7.12.9-7

The third area of concern which we feel needs resolution before any waste should be shipped to the WIPP site concerns baseline health studies. At all of the other contaminated sites around the country there have been anecdotal reports of adverse health effects.

Without good, epidemiologically sound baseline studies we cannot properly assess ongoing risks to the surrounding communities. These studies should include at a minimum background data on cancer rates, rates of miscarriage, general malformations, infertility rates and the current incidents of stress-related disorders. 7.12.10-1

In addition, New Mexico Public Health Association feels it is essential in terms of background health studies in surrounding communities that a cohort of individuals from those communities be followed over time in order to assess what possible adverse health effects may be present.

And, finally, the New Mexico Public Health Association, because of these three critical areas of concern, is opposed, as are our representatives in Washington, to the administrative land withdrawal. We feel that only through the legislative process can these safety concerns be addressed. 6.1-1

Thank you very much.

MR. EIGUREN: Thank you.

Next call Mr. David Mulligan on behalf of Community Economic and Ecological Development.

Is Mr. Mulligan here?

MR. MULLIGAN: Yes.

MR. EIGUREN: Yes, sir.

Following Mr. Mulligan will be David Coffey.

Sir, if we could get a mailing address for the record.

MR. MULLIGAN: Yes. Mailing address is PO Box 984, Santa Fe, New Mexico, 87504.

MR. EIGUREN: Thank you.

MR. MULLIGAN: And I'd like to make a slight correction in that I represent the Community Economic and Ecological Development Institute, based here in Santa Fe.

And I thank DOE for the opportunity for coming together and bringing so many people together here.

The real issue here is not whether we bury the government's nuclear waste in New Mexico. It's really about whether the American people are ready to take back some of the power we mistakenly entrusted to our federal government in the name of national security. 3.2-1

The Department of Energy and the government of South Africa share one very important thing in common. The

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irresponsible actions of both these entities have stimulated many citizens of this country to think about our money and our power and how and where we direct it. We have placed over $475 billion of our own money in socially responsible investment funds, and it was initially our reaction against the apartheid policies of South Africa and, of course, the US Department of Defense which made us aware of where our investments were going. 3.2-1

Since many of us did not want to support the South African system or defense contractors, we asked our brokers to avoid companies involved in these activities. This got us thinking about our money and how our investments in various mutual funds could affect the world.

Now more and more people are starting to think about what sort of companies we do want to support with our investments, and a number of SRI mutual funds are starting to seek out socially and ecologically responsible enterprises in which we can invest. We are taking back the responsibility for what our money is doing in the world, and we are putting our funds to work for us to create a better future. 9-1

Likewise, the DOE's WIPP proposal has stimulated a strong public reaction. It has made us think about our environment and about our government's nuclear defense and energy policies. Thousands of us have come forward and said what we don't like about WIPP and the way this whole nuclear 1-2

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waste disposal process is being handled. And with a unified voice we are saying no. Though it has been our feelings against WIPP, which has brought us together as a community, we now have the opportunity to explore what we really do want in our future. 1-2

When we limit ourselves to only reacting against what some outside entity like DOE is planning, we let them determine the terms of debate and all the rules. Now we must go on from here and say what we really want in our future, in our own terms, building a consensus of common unity around which we can create the sort of community which will meet our needs as we define them. It is not enough for to us simply sit back and veto bad ideas. We must generate good ones which will serve us well.

I issue a challenge to all of you concerned and caring people who have stood up and spoken against WIPP. When this battle is over, can you invest your energy, support and commitment toward helping create a new and responsible culture which does not generate nuclear waste or cause oil spills in the first place? Can you work to create local communities which actively regenerate our environment as we live our daily lives? 9-1

I ask you to work with the CEE Institute as we pioneer new model ecological living, permanent affordable housing, right livelihoods and an authentic community.

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As Pogo so eloquently said, "We have seen the enemy, and the enemy is us." We can no longer just point the finger at South Africa, DOE, Exxon or any other great institution and say this mess is all your fault, find a way to fix it. To create the world we really want, we must find the strength or spirit to change the way we live, to embrace the needs of the earth, and to honor the true creative nature of the person.

I am challenging you to do no less than create a responsible and ecological culture. After WIPP is resolved, continue to cooperate in common unity and purpose. We can and must take the responsibility for reclaiming control of our own lives and regeneration of this sacred planet.

Thank you.

MR. EIGUREN: Thank you Mr. Mulligan.

Next call Mr. David Coffey on behalf of Our Children's Earth, followed by Joy a la Pastora.

Is David Coffey here?

Ladies and gentlemen, in the event I call a name and we don't get a response, I'll call these names later during the hearing to make sure we give everyone the opportunity to comment.

I'd next go to order number 18 on the witness list, Joy a la Pastora on behalf of the Environmental Flamenco Group.

9-1

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Welcome. Joy, if I could get your name and group for the record and a mailing address, if you have one.

MS. A LA PASTORA: Oh, okay. Mailing address is the Earth, I'm a gypsy.

Agende. I'm a member of the Women's International Coalition. Nuclear power is the greatest public health hazard the world has ever encountered because of the inevitable contamination it provides there with plutonium and radioactive waste. And we seek a complete hold to all man-made waste with the exception of a laboratory reactor for making medical isotopes and biological research tracers, a new policy for nuclear waste which will confine them where they are created, and use energy programs which will concentrate on solar, geothermal and all renewable sources have many energy officious policies. I am not going to do too much. This is the blessed Earth of the Chimayos.

(The following is a translation of the song provided by Ms. a la Pastora.)

Give me the freedom of all the waters. Give me the freedom of the storms. Give me the freedom of the nuclear garbage. Give me the freedom of our Earth. Give me the freedom of all the birds. Give me the freedom of the ones that should be free.

Many pray to God, others to Allah. Some remain silent. That is their way of praying.

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Let's see when you realize. Let's see when the time will come that we won't have any WIPP site ever in the Earth to be find out. 15-Jun-89: TS-00328, PAGE 2 OF 2

Give me the freedom.

MR. EIGUREN: Very well done. Thank you.

I'm not sure we could get all of the words for the record, but we got the first portion of the statement.

Thank you very much.

I next call Rich Ryan from the Earth First! Following Mr. Ryan will be Patricia Cordova.

Is Mr. Ryan here? Rich Ryan?

Apparently he's not here right now. I will call him later.

Patricia Cordova on behalf of Light Institute of Galisteo. Galisteo? Galisteo. Excuse me.

Patricia Cordova? 15-Jun-89: TS-00329, PAGE 1 OF 8

Dr. Maurice Weisberg on behalf of Sierra Club.

I welcome you here, Dr. Weisberg. If we could have a mailing address for the record, sir? Could we have a mailing address for our record?

DR. WEISBERG: Yes. 1677 Saratoga.

MR. EIGUREN: Thank you.

Please proceed.

Why don't you give me a test on the mike, Doctor. Test one two?

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DR. WEISBERG: One two, one two.

MR. EIGUREN: Better.

DR. WEISBERG: One two.

MR. EIGUREN: A little louder.

DR. WEISBERG: One two, one two, one two.

MR. EIGUREN: There we go.

DR. WEISBERG: My name is Maurice Weisberg, I'm in Santa Fe.

I'm making this statement about WIPP for the Santa Fe Group of the Rio Grande Chapter of the Sierra Club. I'm a physician specializing in radiology, and my training has been in diagnostic and therapeutic radiology.

First, I wish to read the resolution of the National Sierra Club's Environmental Impact Committee, which was passed in 1988 at that meeting, and which was endorsed by the local group of the Sierra Club. I want to move through this fairly rapidly, because most of you are already familiar with most of the proposals that have been made and are stated in the resolution.

The Sierra Club believes that it is essential for public confidence to support -- its confidence and support and welfare that nuclear waste disposal facilities be safe. Any bureaucratic or political objectives for early opening and use of WIPP, regardless of the lack of compliance with EPA standards and the exemption from licensing requirements and

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oversight by the NRC, must be -- all of this must be secondary to issues of public health, safety, worker safety, environment protection. 3.1-2

Therefore, the Sierra Club urges the Congress to delay the scheduled opening of WIPP until all scientific, technological and safety questions have been resolved by an impartial, independent body of scientists and technical experts acting as an oversight board. This board might include experts from NAS, National Academy of Science, and particularly the NEG, which is our own state organization. Hopefully they might include the groups from the UNM, Scientists Review Group, as an independant scientific group. 1-3

Sierra Club further urges the US Congress to ensure the full accountability of DOE at WIPP by requiring full DOE compliance of EPA standards for storage and disposal of radioactive and hazardous wastes before the opening of the facility, and, two, ensuring that the EPA and NEG, not the DOE, determine DOE's compliance with regulations and standards throughout the life of this facility. 3.1-3

And C, the Sierra Club calls upon you to use shipping containers certified by the NRC. 6.1-1

Sierra Club urges the Congress to delay the 10,000 acres of land for the DOE's WIPP site until, one, the unresolved technical questions, geologic uncertainties, brine seepage and gas generation problems are resolved and highway 7.3.1-2

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bypasses, upgrading and emergency training and equipment are provided for.

That's the end of the statement of the Sierra Club. Right on.

The point should be emphasized that since even the rejected EPA standards cannot be met due to the extensive fracturing of the salt walls of these caverns, or tombs, it is imperative that no land withdrawal bill be passed until the new EPA standards are promulgated for stringent compliance with legal disposal constraints. Note that the EPA standards, this has been mentioned earlier, for disposal were thrown out by the Federal Courts. Of course they couldn't. They were insdequate for containment. 3.1-3 6.1-1

What can we expect from the new Secretary of Energy, Mr. Watkins, in the way of a gentler dialogue and for placing health and safety first? Well, about a month ago his spokesman, Duffy, stated that decisions about WIPP would be made after talking to the governor's group, that's Governor of New Mexico, the Congressional delegation, and NAS, National Academy of Science. Was this a deliberate, conscious decision to leave out the Scientists Review Group of UNM and the NEG because they are the only ones documenting the flaws and inaccuracies and the unrealistic accident scenarios that show that there are no significant adverse radiation effects? 3.2-1

When radioactive wastes are removed between

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facilities, that is the bomb facilities, through urban areas of the twenty states as well as New Mexico, this is a serious public health problem and should not be a decision by DOE whose primary mission is bomb making. The DOE is not a public health agency, nor is it the Department of Health Services. 3.2-1

Transporting radioactive wastes through major corridors of a city with adjacent schools, child-care centers, high density residences is a public health time bomb waiting to explode. Children are forty times more sensitive to this ionizing radiation than adults. A single x-ray exposure to women in first trimester of pregnancy doubles the risk of leukemia in children.

Drs. Stewart and Kneale produced scientific evidence that half of all childhood cancer deaths in the United Kingdom over the past thirty years resulted from in utero exposure to background gamma radiation. That is, most of it from blowing up bombs, fallout from bomb experiments and bomb explosions. The human embryo is fifty times more vulnerable to the risk of cancer and leukemia with a given dose of radiation. The fetus is so sensitive that radiation administered when an organ system is developing can cause an entire organ complex to be deformed and accounts in part for increasing miscarriages, stillbirths, death and respiratory problems to the newborn. 3.1-2

This is what happened at Three Mile Island. They said it was only 20 million gamma radiation, but many of the

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children about that time were dying of respiratory distress, newborns, because the thyroid was affected, and the lungs were not properly developed.

Dr. Lederberg, who is a Nobel laureate in genetics, has warned the public health and the regulatory agencies that the present so-called permissible doses will result in 10 percent increase in mutation rate, that's a hereditary complication, increasing frequency of heart disease, arthritis, arteriosclerosis, premature aging, diabetes and so on. In other words, more suffering, more misery, which was never contemplated in the decisions of the DOE. They proclaim the risk-benefit ratio. The bottom line for DOE's decision making is commercial and economic health, not the public health. 3.2-1

Radiation risk assessments for transportation as described in the SEIS, both in routine and accident scenarios. Described in the SEIS, the following flaws and disagreements with the methodology are noted.

Number one, the computer codes and the models that they have presented have not factored in human fallibility, a huge imponderable. Human error due to fatigue, not to mention drugs and alcohol, carelessness, poor maintenance of vehicles, improper loading of these containers and checking of these TRUPACT containers seem to be entirely ignored. 7.3.5-1

As Dr. Edward Teller, not my favorite person, has

wryly commented, there is no foolproof mechanism that some fool cannot completely foul up. Witness the Challenger and the Exxon Valdez disasters. No matter what the odds -- no matter what the odds against the high tech holocaust, it could happen the first day, seventh day, 100th day. 7.3.5.1-8

It is incredulous that major breaches of TRUPACT -- somebody mentioned this morning it's just a simple hole, that the DOE talks about a little pinhole in the side of these containers -- will not occur and that contamination would be trivial. The containers were not subjected to crush tests or propane torch tests which exceed 2,000 degrees. 7.3.1.1-9 7.3.1.1-13 7.3.1.1-15 7.3.4-2 7.3.5.1-31

Three, by using the Bair, or Bair, not b-a-r-e, but B-e-i-r, III model, which the DOE, many health physicists like to use, to estimate excess cancers, the DOE manages to get only trivial health risks. That dubious model ought to be discredited, because of all things it omitted the cancer risk in children from one to ten years of age, which is the largest number of cancers in the entire group. That was just deliberately left out. And, naturally, it didn't get any health problems or cancer risks. 7.13.1-1 7.13.1-7 7.14-10

Number four, the TRUPACT has a surface dose of 2 to 3 millirem per hour. The dose at the drum surface -- you should see these slides that the DOE has of these young ladies sitting on top of these drums -- can have as much as 200 millirems and that the RH, the remote handled, wastes can reach

1,000 rem, and therefore it's compatible with high-level waste. To put these doses in perspective, recall the NRC back in 1986 composed one-tenth of a millirem, a very, very small dose per person per year as the acceptable dose, or the permissible dose. This is one-tenth of 1 millirem. Outside of that TRUPACT is 2 to 3 millirems per hour. There is no threshold -- there is no safe threshold, there is no threshold dose. 7.3.5.1-8

MR. EIGUREN: Doctor, you've run quite a bit over your time. Could I ask you to bring it to closure, sir?

DR. WEISBERG: Well, I'll read the last paragraph here.

WIPP is scheduled to receive less than 1 percent of the total of radioactivity in all of the country's nuclear waste. No more than 10 to 15 percent of all the transuranic waste is scheduled to come to WIPP. The preponderance of this waste will be left there at these seventeen nuclear defense facilities in the poisoned soil, in the groundwater, causing undue human misery. 2.2-2

Wouldn't it be more prudent for the DOE to address this enormous public health disaster at the place of which it already contaminated than concern itself with the relatively small number of packaged wastes which represent no immediate health risk at all?

Thank you.

MR. EIGUREN: Thank you.

I have marked as Exhibit Number 307 for the record and I'll include it as such the words to the song sung by Joy a la Pastora on behalf of Environmental Flamenco.

(Exhibit 307 marked.)

MR. EIGUREN: Ladies and gentlemen, I called several names earlier that I didn't get a response to, these preregistered commentors who were scheduled prior to 1:20. Let me go back to those names just to make sure that we haven't missed anyone.

David Coffey on behalf of Our Children's Earth. Is Mr. Coffee here?

Rich Ryan on behalf of Earth First! Rich Ryan?

UNIDENTIFIED SPEAKER: He's singing outside. He'll be ready in about ten minutes.

MR. EIGUREN: Thank you very much.

Patricia Cordova? Patricia Cordova?

Our next scheduled commentor is Mark Lee. Mark represents the Lamy Community Association.

Good afternoon, Mr. Lee. If we could have a mailing address for the record.

MR. LEE: My name is Mark Robert Lee, and my address is Lamy Sculptors Guild, Lamy, New Mexico, 87540.

MR. EIGUREN: Thank you.

MR. LEE: I'm representing the Lamy Community Association. I'm the president this year.

And I brought something terrifying to show you. Let's see if I can get it out of here. You'll have to squint probably to see it. It's a cat hair, called the Cat Hair of Destiny. It's not plutonium, so you don't have to worry.

Anyone else wants to see this?

This is roughly 80 microns thick and a little over an inch long, and if it were a plutonium filament, we could divide that into 10 million one-micron lethal doses. That's enough to kill every man, woman and child in New Mexico, including the tourists, and still have 5 million microns, close to one lethal dose per micron, left over. Now, surely a little cat hair like this could fit through a pinhole leak in the TRUPACT containers. 7.3.4.1-1 7.3.5.1-31

Now, I said that that would be enough plutonium to kill all of us in this state. That wasn't just once, like bullets, where after you shot the bullets it's over. That lasts. That poison lasts for 240,000 years.

Now, when God created our planet he didn't put even one micron on the planet. There's not one micron of naturally-occurring plutonium. Man has created all of this poison. And now we're going to have to be smarter than God to get rid of it. 7.3.3.1-2

Lamy is right near one of the routes, and it's -- and the route goes down what we locals call the Lamy Triangle. This is a particularly dangerous section of road. It's about a

mile long. You come over a bill after a nice straigbteway, going downhill steep, plus there's about, oh, e 500-foot drop in less than a mile. You come around e corner, you're going fest, and you've got e railroad sign crossing the higbway. And it migbt be blinking red, which you've got to come to a fest stop, which is hard to do with a truck going downhill, or it might not, whicb means you've got to go over it and around the corner. then there's a turnoff to the left to go to Lemy where many people have been killed in the last decade. Then you go over a railroad pess, and than there's a turnoff to go to Galisteo. All of this is crammed into a space of little less than a mile. 7.3.3.1-2

And let me add this. If there were an accident with one of these nuclear containers, the waste would get into our watershed, which is the drinking water, all of the drinking water, for Galisteo, Carrillos, down to Santo Domingo Pueblo, and eventually into the Rio Grande.

Now, a lot of locals already know that the Rio Grande is polluted with radiation beneath Los Alamos, so we wouldn't think of eating any fish that came out of the river anymore. But we all need to have water so that we can live. And if our watershed is ruined by the nuclear waste, we're all in a lot of trouble. 7.3.5.3-1 7.3.5.4-3

I have to quote here out of the Executive Summary for the Environmentalists. They mercifully made this so we

don't have to read the fifteen pounds of the full thing so that -- you know, it's a hard one to get through. But I do know some.

But this is paragrapb 616, called Routine Releases of Radioactivity. The operation facility, meaning the WIPP facility -- the operation facility would require handling the packages of canisters, some of which may be externally contaminated. No canister would be open, but very small quantities of nuclides would be released as a result of routine handling. The releases would be held to levels as low as reasonably achievable.

That means cheap. But as we know, it doesn't take very much. A routine release of one cat hair's worth into our environment would be enough to kill all of us over and over again for a quarter of a million years. 7.3.5.3-1

Now, we all know that Los Alamos has been having these routine releases of radioactivity ever since they started on the bombs forty years ago, or however many years ago it was. But it's plenty of time. They've just stashed stuff in the ravines, in the arroyos, in the old Indian ruins and whatnot to get rid of it, and now it's into our environment. And none of us here, I'm sorry to say, can be sure that there isn't a micron of plutonium in this room with us right now.

One of you guys might be breathing it right now. You won't know for another twenty years or so when you come up

with cancer or leukemia or your children are deformed or they have something. But always keep in mind that you might have picked it up while with you were right here. 7.3.5.4-3

Now, you can imagine that the people who live in communities along this -- any of these routes -- because you've kept all the routes open, because we know there's going to be so much coming down here that you're going to need all of the routes. We know that there's going to be a lot of death and destruction caused by this thing.

A friend of mine is a volunteer for the fire department, and I'm not going to say his name or even what department he came from, but he's had his training from the government on what to do about this. The man said to the volunteers, "Anyone who comes within 100 feet of a radiation spill like this is a dead man." 7.12.9-1 7.12.9-5 7.12.9-11

So my friend raised his hand and says, "Well, does that mean you're going to give us some money so we can buy protective clothing?"

He said, "No. You don't get any money."

He said, "Well, are you just going to give us the protective clothing?"

The man said, "Well, frankly, there isn't any protective clothing, there's nothing that can protect a human being from this kind of radiation."

So my friend said, "Well, what are you going to do

for us then?"

He said, "Well, you'll be issued paper smocks to help protect you from the alpha radiation."

But keep in mind these people have to respond. I don't know if the state troopers, who will be the first people to respond and will have to stand there until somebody arrives and breathe in whatever happens to be in the atmosphere -- I don't even know if they get paper smocks. It won't do them much good, though. 7.12.9-1

On behalf of my entire community -- which is not very big, but it's a nice one. We're doing a lot of the things that people all morning have been saying, solar energy, community development, food co-ops, grasshoppers spored to find a benign way to fight the grasshoppers and that kind of thing. And now after we've built our homes, and I built mine with my own hands, no power tools, now I find out that you guys are doing routine releases and running these trucks down past very close to my community and threatening not only the community but the children.

When the buses come to a stop at a stop sign next to one of these TRUPACTs, the children who are in those buses are going to be irradiated, even if there isn't any contamination on the outside. The poor devils who are driving the trucks for whatever their minimum wage is are going to be irradiated, also, every time they get out for a burger or a 7.3.5.2-4

rest atop.

Everyone in my community has asked me to say no to the TRUPACT, no to the WIPP isolation site, no to whatever paper smocks you might think would be of help in dealing with these problems when they arise, and you yourselves have said that they will arise.

Thank you. 15-Jun-89: TS-00330, PAGE 7 OF 7

MR. EIGUREN: Thank you, Mr. Lee.

I would next call Tom Tarbet on behalf of the Planting Stick Project. Tom Tarbet?

Ladies and gentlemen, I'm going to go back to the top of our list here and call once again the names of individuals who I called earlier and didn't get a response to.

David Coffey on behalf of Our Children's Earth. David Coffey?

Rich Ryan on behalf of Earth First! Rich Ryan?

UNIDENTIFIED SPEAKER: He's still singing outside.

MR. EIGUREN: He's still singing outside. Okay. But he'll be in soon, I'm sure.

Patricia Cordova?

Tom Tarbet?

Well, I'll note for the record that the next individuals we'll be calling their prescheduled time is past 1:30, so it might be that they're not yet here. I'll just keep moving down the list and try to pick up those individuals that

7.3.5.2-4

1-2

are in the room so that we can take them on the record at this point.

Arlana Goldberg? Arlana Goldberg?

Don Smith? Don Smith?

Dr. Patricio Larragoita? Dr. Patricio Larragoita?

Ann Vingey? Ann Vingey?

Michele Merola?

Thank you, Michele. I have you as representing the Elmwood Institute.

MS. MEROLA: That's right.

MR. EIGUREN: Fine. So that I have this correctly for the record, do you spell your name M-e-r-o-l-a?

MS. MEROLA: That's correct.

MR. EIGUREN: Thank you. Could we have a mailing address, please?

MS. MEROLA: My name is Michele Merola. I'm testifying on behalf of the Elmwood Institute. My address is 830 Gilmore Street, Santa Fe, New Mexico, 87501.

MR. EIGUREN: Thank you.

Before you begin, can you hear very well? Okay.

If I could have the control room turn up the microphone on the podium. The control room, please.

MS. MEROLA: Is that better?

MR. EIGUREN: I think that's a bit better. Yes.

MS. MEROLA: Okay.

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We fully recognize the extent of the nuclear waste problem faced by the DOE and certainly do not deny that some action must be taken to protect the public from the radioactive contamination; however, the fact that WIPP will only add to the growing list of DOE nuclear disastar areas rather than solve the nuclear waste dilemma is quite clear and is supported in full by the Supplement to the Environmental Impact Statement. 3.1-3

One of the most glaring flaws in the SEIS is the fact that the entire document is based upon meeting EPA safety standards that were vacated two years ago and are therefore completely invalid. Assurances of safety based upon these obsolete standards are worthless.

The SEIS relies heavily upon several key documents that are only in draft form at this time. The Final Safety Analysis Report Waste Acceptance Criteria, and most notably the Test Plan, are critically important documents utilized repeatedly in the SEIS as the basis for many assessments and conclusions, yet none of these are in their final, approved form. 2.3.1-1

In addition, the majority of sources relied upon in the SEIS are the DOE's own internal documents and studies or those of its contractor for the WIPP site, Westinghouse. Very few independent sources are cited, leading to a serious question of objectivity in this document. For example, no mention is made of independent scientific review panel report

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which predicts that radionuclides may migrate to the Pecos River in as few as 100 years.

The SEIS relies upon data of questionable integrity from many critical evaluation. For example, the SEIS states on page 5-126 that an attempt was made to estimate thermodynamic data by extrapolating and arbitrarily changing data on WIPP brine. It goes on to say, "Unfortunately, these procedures result in order-of-magnitude uncertainties." How much credence can we give to data that the DOE themselves admit is unreliable? 7.14-42 7.14-43

In fact, many of the so-called conclusions reached in this document are in actuality faulty estimates which are in turn based on unsubstantiated assumptions. Critical errors and omissions in calculating exposures and health risks associated with WIPP operations render the conclusions reached completely invalid and greatly underestimate the potential dangers of the project.

Human error is never considered a factor in calculations of accident and exposure risks. Three Mile Island, Chernobyl and the recent Exxon oil spill, all unexpected and devastating disasters, were caused by human error. Consideration of minor equipment failure only is extremely misleading. The SEIS assessment of the health risks and environmental hazards posed by potential accidents is both greatly underestimated and invalid due to its failure to factor 7.13.2-1 7.13.3-1 7.13.3-2

in human operator error.

This document is a house of cards resting on a foundation of preposterous assumptions. In all of the supposedly worst-case scenarios presented, it is assumed that the filters in the waste handling building will be operating at 99.999 percent efficiency. This can hardly be considered a worst case. No exposures are calculated in the event of filter failure whereby the amount of radioactivity released into the atmosphere would be greater than that postulated in the SEIS by a factor of 1 million.

In other supposedly worst-case scenarios, breached drums are assumed to lose only 10 percent of their contents, an entire pallet of drums hit by a forklift results in the breaching of only one drum, and a future borehole breach of the disposal area only results in exposure to the geologist examining the drill cuttings and one stock well. Many possible accidents are merely dismissed as being unlikely and receive no analysis whatsoever.

The SEIS further assumes, and I quote from page 5-49, "Most of the accidents during the WIPP's operating lifetime will not result in a release of radioactive material." This statement makes no sense whatsoever, since the SEIS admits elsewhere that even normal operating conditions will result in routine releases of radioactive materials into the atmosphere. And I refer you to pages 5-56 and 57, why and how are human

7.13.2-1
7.13.3-1
7.13.3-2

7.14-3

7.13.3-4

health risks calculated to be greater under routine operating conditions than under worst-case accident circumstances? Contradictions -- contradictions and inconsistencies such as these are rampant throughout this document and instill very little confidence in the conclusions reached.

Many of the factors affecting WIPP's long-term effectiveness are still unquantified or open to question, review and change. The TRUPACT-II is still not certified by the NRC, and the containers for transporting remote-handled waste have not even been developed yet. Quoting from the SEIS, "Emplacement of permanent tunnel and shaft seals to isolate the radioactivity from the environment remains open to study and future decision, and further detailed characterizations of brine are needed."

The SEIS must prove that WIPP is safe now. Deferment of critical studies and decisions and acknowledgment of inadequate scientific data at this time are completely unacceptable in a document which is supposed to demonstrate the readiness and integrity of the WIPP site.

In addition, no valid scientific evidence is presented to justify the immediate emplacement of radioactive waste at the site for a five-year experimental test phase. The DOE claims that more than 25,000 barrels of transuranic waste are required for use in gas generation tests and for demonstrating transportation and operational capabilities.

7.13.3-4

3.1-2

7.11-1

Independent scientists have repeatedly insisted that gas generation tests could best be performed in a laboratory environment, not at the site itself.

And the proposal of using actual plutonium-contaminated waste for practice and testing in transporting and placing in drums is foolish and frightening. These operational tests would certainly be just as effective and much safer if done with dummy wastes. The test can only be recognized as an attempt to fast-track the opening of WIPP and neglecting critical safety considerations.

By law, an Environmental Impact Statement must assess any and all reasonable alternatives to its proposed action and must fully justify the reasons for choosing its proposed action if it is not the option with the least impact. The SEIS fails completely in this regard. Only two alternatives are considered, and both are summarily dismissed following a brief and inadequate discussion.

Possible alternatives of geological disposal are never even considered. There is never any discussion of aboveground, monitored, retrievable storage or chemical, bacteriological or electrical neutralization of radioactive wastes. MRS would provide safe, remotely monitored, interim isolation of the waste while technologies are developed for the ultimate disposal or neutralization of the wastes.

The proposed action of the DOE is not the

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7.11-1
7.11.2-1

2.3.1-2
5.3-1

alternative with the least health, environmental and economic impacts. The SEIS clearly reveals that the possible negative impacts to health, public safety and the biosphere under the plan to proceed with WIPP are much greater than the options of either taking no action or waiting for compliance with EPA standards. The SEIS fails to justify its selection of the action which results in the greatest number of predicted deaths and potential for environmental contamination.

Absolutely no justification is presented for the dismissal of the no action and alternative action plans. In fact, no short-term, adverse impacts are identified at any waste storage site from adoption of the no action alternative. For example, the SEIS itself states, and I quote from page S-173, "No environmental reasons have been found why TRU waste could not be left at the Idaho National Engineering Laboratory stored as it is for several decades or even a century."

Why then the big rush to open WIPP? Obviously, according to the DOE's own admission, there is no basis for railroading this project through without complying with newly promulgated EPA safety standards. Waiting one or two years for the revised standards is hardly significant in the context of the 240,000-year life span for which the waste remains lethal. Such a concession certainly seems both reasonable and sane.

The SEIS concedes that the only negative impact of not proceeding with the immediate emplacement of waste at WIPP

2.3.1-2
5.2-1
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5.3-1

5.3-1

3.1-3

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would be the loss of income to Carlsbad. While I fully appreciate the people of Carlsbad need jobs, I also believe they should not be killed off in the course of pursuing employment. It is a sorry social statement indeed when the people of our nation will willingly poison themselves and their children for the sake of a job. I would add that a safe WIPP — I would add that a safe WIPP, one that fully complies with EPA safety standards, will employ just as many, if not more, people than a site plagued by contamination problems because it was needlessly rushed through with inadequate attention to safeguards. 3.1-3

The very fact that the DOE has already spent over $700 million on WIPP obviously precludes any serious consideration of alternative and safer methods of disposal. Alternatives should have been fully analyzed before this money was pumped into the WIPP site. The DOE now has so much invested in their proposed action, both in terms of finances and ego, that manufacturing the SEIS to support a preconceived result has become a matter of false pride. 5.3-1

In no way can this document be deemed an objective appraisal of all the possible options. I hope that the DOE will demonstrate both responsibility and the courage to admit their mistakes and to withdraw from their proposed action now, before it is too late.

The SEIS does not support the argument for the 3.1-3

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opening of WIPP, either legally, scientifically or ethically. If the WIPP site is as safe as the DOE claims, why can't it meet EPA standards? These standards were written to safeguard the health and safety of all citizens, and we in New Mexico are entitled to that protection. You cannot jeopardize people's lives for the sake of political expediency. WIPP is not a safe solution, and your own document fully verifies this. We refuse to compromise the lives of our people and those of future generations in order to satisfy the DOE's own personal agenda. 3.1-3

Thank you.

MR. EIGUREN: Ladies and gentlemen, I'm going to note for the record, I've been going just a little less than five hours, and throughout the course of this hearing there's been a large roomful of people who have been holding up signs, as a matter of fact, a sea of signs, stating WIPP Must Meet New EPA Standards. I'll note that there are a large number of signs throughout the audience that have been here all day.

If someone would care to bring one of those forward, I'll mark it as an exhibit for the record and include it.

Myla Reson has given us a document entitled WIPP Must Meet New EPA Standards. We'll mark that as Exhibit Number -- I think it's 308 for the record.

(Exhibit 308 marked.)

MR. EIGUREN: We're now at order number 29 on the

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preregistered witness list for this afternoon, Bonnie Bonneau. Bonnie Bonnsau?

Petar Von Holm? Peter Von Holm?

Jerry Chasen?

That brings us to order number 31. I'm going to go back to the top of our list and call the names of individuals whose name I called earlier and haven't gotten a response to, just to make sure that we've not missed anybody.

Once again call David Coffey. Is Mr. Coffey here?

I'm afraid to ask whether or not he's still singing. Rich Ryan? Rich, is he still singing? That's a long song.

Patricia Cordova?

Patricia is hers. Patricia represents the Light Institute of -- Galisteo? Galisteo.

MS. CHRISTEN: Galisteo.

MR. EIGUREN: I apologize. That's twice in a row.

MS. CHRISTEN: Actually my name is Chris Christen, and I represent -- I represent the Light Institute of Galisteo, New Mexico, Route 3, Box 50, Galisteo, Zip 87540.

And that's the last that I have to say from the mind body, because who I feel I represent here is every human being that's walking in body. I represent New Mexico. I represent every mother and every child.

I have traveled around the world. I have been

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there in Russia when they were washing the streets, attempting protection from radiation. I have been there in Europe when new mothers could not breast-feed their babies. And I have seen the mutation of the flora and the fauna in Europe and in Russia.

And I have lived in New Mexico for twenty years, and I have taken note of the fact that we trusted science and the government. And in the 1940's the best we could do is say we'll bury it in the ground, and it will be all right. And now for the last over ten years I have watched that burial in the ground did not work. It didn't work for forty years, never mind the boogeyman with a life of 50,000 years.

It is seeping out of the soil, it is flowing into the water, and every time that there is a storm blowing from the west within a fifty-mile radius of Santa Fe, people are suffering from what we call the flu. It is not the flu. It is radiation sickness, and it will affect us for generations. We must know that, that there is one purpose to the life of every being that's on this planet, and that is to be a being that counts, counts for themselves, for the purpose of their soul, and counts for eternity.

And the wonderful thing about the EPA at this time on this planet is that it is allowing us the opportunity to find our voices, to find the truth, which is that there is no money, there is no political promise, there is no scientific

3.1-2

theory that can help us at this moment, except that every being, every person, especially here in New Mexico, must be able to say no, we will not be the victims, we cannot support your hope, your theory, that this will be all right. It will not be all right, there is no evidence that it will ever be all right.

We were born spiritual beings. We took body to nurture and to love this living planet which is made of the very same substance as our bodies. We cannot risk ourselves, we cannot risk the future of our species, we cannot risk not one plant, not one animal, not the soil, the water, or the air of this planet. We are the guardians.

And I ask that you wait -- time is an illusion -- that you wait until science can catch up with truth. And meanwhile, that there be no sacrificial lambs, least of all that there be any sacrificial lamb here. For the first time we can feel that together every one of us counts. We can say no. We say no to WIPP. We say no. No. No. No. No. Not until science catches up with what is truth.

And truth comes from the spiritual octave. And every being on this planet must now evaluate the karma of letting it slide, letting that slide so that fifty years from now those that have cancer, we say, gee, it's just an accident. It's not an accident. It's happening in Santa Fe, it passes right by my town. It cannot be. It simply cannot be.

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3.1-2

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And I ask everyone who is involved to look within your heart and know that the answer is not yet here. Therefore, we must wait for the answer. We cannot go ahead with WIPP.

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Thank you.

MR. EIGUREN: Thank you.

I'd next call Tom Tarbet.

Tom represents the Planting Stick Project.

Note for the record that Tom apparently has some sort of a diagram he's going to use in his presentation.

Is there a copy of that for the record?

MR. TARBET: Yes. They're being handed out.

MR. EIGUREN: Very good. Thank you.

Tom, if you could begin with giving us a mailing address, and you have ten minutes for comment, sir.

MR. TARBET: My mailing address is on the handout, Route 9, Box 78, Santa Fe, New Mexico, 87505.

How do you like my sword? It's rocket red. Rocket red, fluorescent.

MR. EIGUREN: Tom, you're going to have to get closer to the microphone, sir.

MR. TARBET: Yeah. This is a little awkward. I heard that there would be a portable mike, but I can't hold all of it.

MR. EIGUREN: Tom, you can pull that, the gold

1-2

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one -- see the gold one with the top? That will come out of the holder.

TOM TARBET: Okay.

MR. EIGUREN: There you go.

MR. TARBET: Good. I represent the Planting Stick Project, which is an effort to extend into the growing world colloquium of thought on what to do about the human race on Earth, certain teachings from the ancient people of Arizona, called Hopi. My testimony would be too long, of course, to read within this ten minutes, but what I'd like to do is read the introduction and speak extemporaneously.

You will have a copy in this handout of the illustration that I have here for the people.

MR. EIGUREN: Tom, what I'm going to do is take that entire written statement, as well as the diagram you produced, and we'll mark that as Exhibit 309 for the record and include it as such, and we'll start timing your ten minutes once you get going.

(Exhibit 309 marked.)

MR. TARBET: Okay. Democracy is now dead. Got it? I'm going to ask you guys some serious questions, so think.

The manner in which the Waste Isolation Pilot Project at Carlsbad came to being has driven this fact home to us in incontestible terms.

3.3-4

When New Mexico's Governor Toney Anaya first took office he was shocked to learn that at no point in the development of this effort did the people of New Mexico have the chance to refuse WIPP, should they see fit to do so. Nor does the Constitution of the State of New Mexico allow the popular referendum.

As a result of this situation, many New Mexico citizens have become involved, at tremendous personal sacrifice, in a desperate effort to learn exactly how this occurred and discover whether there remains any means by which to regain control of their lives and destiny.

At the time of this presentation approximately $780 million has been taken from the United States taxpayers at gunpoint, so to speak, and sunk into an enterprise of great and incalculable impact on the local environment as well as the entire biosphere. The grand irony is that this is being done as part of the effort to defend democratic principles through military force. If those principles are to be sacrifice dollers in the attempt to save them, we would be the idiots of the universe not to ask why the effort is being made in the first place.

On the face of things it may be argued that by being allowed to speak their minds at hearings such as the present one we are engaged in the democratic process. But when viewed in those terms the hearing becomes a hollow charade.

3.3-4

3.4-1

2.3.2-2

The truth still stares back at us. The people have no control. Even at a public hearing financed from their wages through taxation, which they have no accepted legal option to refuse, their words can be ignored at the whim of strangers. The only hope is that something can be said that the conductors of this hearing will take to heart, something more eloquent than the writing on our respective paychecks. 2.3.2-2

Incidentally, I consider the dollar bill to be the most eloquent piece of literature in history.

I propose that we consider the thoughts of the titleholders of this land. Upon hearing of the first atomic blast, through private messengers who saw its light firsthand, they sounded an alarm to the world. Hardly anyone heard it at first. Modern people are very deaf. But its echoes can still be heard.

All that must be said concerning their message to the world cannot be considered in the time allotted. But the time will be well spent if the seed is planted in a memorable way. Since the messengers of fate caution us to remain lighthearted through the trials of which they warn us, I have included in each packet of information being given to you one banknote for $10,000. It is a bribe. Its significance is explained in an enclosed note, as a token to call your attention to the major premise of the Hopi Message of Peace. 9-1

So I'll speak extemporaneously about that message.

The rest of the details are in your exhibit.

You're familiar with the Hopi Lifeplan by now probably. This is a version of it that's reduced to as close an approximation as I could come to what was originally put on Prophecy Rock in Hopiland near 1904.

The representative of the creator, so to speak, in the case of the Hopi, Maasaw, holds the staff of life, the reed through which all life came into this world. To his left is the sun sign, Maasaw's Fire Clan. The sun sign indicates that his particular son, who is Sun Clan, would take over for him, Yukiuma, who founded the village of Moteville in 1906 to escape United States domination when the Hopi tribe split over the issue, and the Hopi nation split over the issue. 9-1

We come to the Path of Everlasting Life, which could go on forever. In other words, we would not have to go prematurely extinct. We all can, but we don't have to go prematurely extinct. That's very painful. Think what it's like for 5 billion people to die.

The path has on it a man with a planting stick planting corn. First cornstalk previous world, second cornstalk present world, third cornstalk his own cane with ceremonial corncobs attached planting the future world, living from his own economy, living from grain, the teachings are in the corn.

On the upper path are headless giants claiming the

steps to the throne of riches, which always drops off at the end, or a zig-zag path, which indicates quick prosperity attempts through inventions as they now realize with the confidence that you can correct them in the state by a future invention. They say that path leads to doom. And doom, unfortunately, isn't the end. That's the clincher, you see. Doom is not the end.

This path, if you go up to the rock connecting the upper path to the lower one, goes all the way through on the rock, but that's an addition that was not there. It's like now you see heads on these figures. The Hopi said the Christian missionaries did it as an act of witchcraft, because actually the people on the upper road are headless. In other words, we cannot control our government, which is why we're here. Got it?

Now, question. Where is the Governor of New Mexico on the Lifeplan? Right.

Now, where is everybody in this room on the Lifeplan? Nope. We're all up here. Me, too, unfortunately. And unless we realize that, our religion is a crock of you-know-what. Got it?

So, what we have to do is actually get down on this path. Let's take notes. The first two circles are World War I, World War II, third circle World War III. The first two of three uprisings of the world, shakings of the world,

9-1

shakings of the bloodlines of the continents, the indigenous people throughout the world would rise up and fall away and finally come to an ultimate conclusion which is permanent, all or nothing.

So what we need to know is what it takes to be on this path. I've summed it up in my own words, three words, that I got from the sweat lods, "all our relations." If we can say beyond a shadow of a doubt that every relationship involved in our prosperity and our pleasure does not involve theft or violence toward the entire matrix of natural forces that gives us our being, then we're on this path, and then only.

But now we live under the rule of ignorant force, which exists all around the planet, and until we as caretakers of the planet can extricate ourselves from that, we're not on the endless path, and we end up dying out.

So that's basically what I have to say.

MR. EIGUREN: Thank you.

Ladies and gentlemen, at long last I'm informed that he's finished singing, and Rich Ryan is now here on behalf of Earth First!

Mr. Ryan?

We'll note for the record it appears Mr. Ryan has his own musical group with him.

Come right over here to the podium, sir.

MR. RYAN: Excuse me?

9-1

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MR. EIGUREN: Right over here. Speak from there.
MR. RYAN: Hello. Thank you for the opportunity --
MR. EIGUREN: Thank you.
MR. RYAN: -- to give our testimony.
MR. EIGUREN: All we need is a mailing address for the record, and you've got ten minutes. It's all yours.
MR. RYAN: Box 369, 87504.
MR. EIGUREN: Thank you.
MR. RYAN: Well, my name is Rich Ryan, and we're people that love the Earth more than we love our paychecks. You know, this song that we're going to do would be kind of funny if it weren't so sad.

The technocrats that think that they can assure us that they can put the most toxic substances known to man in the living Earth for a period of time that's longer than any of us can even conceive of and assure us that they can overcome incalculable human error are inconceivable to me. I can't even find the words to describe how arrogant that seems to me.

This song -- this song was written in Washington State where originally they wanted to put the nation's military nuclear waste. It was proposed for the state song. Even the governor's wife up there supported it. But, alas, it didn't win. So we rewrote it, I rewrote it for New Mexico. Maybe by next year if this thing hasn't gone down we can raise up again

3.1-8

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for the state song. I know Michael Martin Murphy's song is the state song, but there's a new state song every year. This issue is specific.

(The following are lyrics provided by Rich Ryan.)

I lost my job here ranching 'cause the price of cows went down. But now I've got a real good job burying toxic waste in the ground. It's a brand new industry, and there's no better place. We make the bombs, we've got nuclear arms, we'll embrace your waste.

Our state is a dump site, Plutonium 239. Our state is a dump site, just bring it all here, that's fine. Our state is a dump site, and we'll take whatever you send, collecting checks in New Mexico, where the hot times never end.

Our Governor Garrey Carruthers says our economy needs a boost, and taking waste from all over the states sure brings a lot of loot. There's money for new highways and jobs for a bunch of folks, and if it leaks, the DOE will issue TRUPACT container coats.

Our state is a dump site, Plutonium 239. Our state is a dump site, just bring it all here, that's fine. Our state is a dump site, and we'll take whatever you send, collecting checks in New Mexico, where the hot times never end.

250,000 years is a pretty good chunk of time to keep radioactive waste down in a salt cave full of brine. But we ain't worried, and we need the money, and the engineers say

3.1-8

it's fine, so send it to us, it's an economic plus, and I'm off the unemployment line.

Our state is a dump site, Plutonium 239. Our state is a dump site, just bring it all here, that's fine. Our state is a dump site, and we'll take whatever you send, collecting checks in New Mexico, where the hot times never end.

They say a pound of that plutonium can wipe out the human race. I guess that'll mean a lot of jobs for those folks from outer space. Cleaning up the mess we've made will probably take a good long time, and that'll keep them aliens off the unemployment line.

Our state is a dump site, Plutonium 239. Our state is a dump site, just bring it all here, that's fine. Our state is a dump site, and we'll take whatever you send, collecting checks in New Mexico, where the hot times never end.

All of us here in Carlsbad think that WIPP is really swell. We've got the tools, we ain't no fools, we can hide that stuff real well.

So our state is a dump site, and our fate is to mutate, collecting checks in New Mexico, the everglowing state.

Thank you. Stand up for the earth.

MR. EIGUREN: Mr. Ryan, I didn't get the name of the song for the record.

MR. RYAN: The name of the song is "Our State Is A Dump Site."

3.1-8

MR. EIGUREN: Okay.

MR. RYAN: Not home state, but a dump site.

MR. EIGUREN: Very well done. As I've said before, when people sing we can capture the verse for the record, but we can't capture the melody.

MR. RYAN: Oh, well.

MR. EIGUREN: Thank you.

MR. RYAN: Thank you, everybody. Keep fighting.

MR. EIGUREN: Ladies and gentlemen, it's now by my watch 2:10. We'll be in recess for ten minutes. We'll go back on the record at 2:20.

(Proceedings in recess.)

MR. EIGUREN: Ladies and gentlemen, it's now 2:20. We will now formally go back on the record. I'd respectfully request that you please take your seats again. We will now resume back on the record our public hearing being held June 15th, 1989, in Santa Fe, New Mexico.

This is United States Department of Energy proceeding EIS 0026-DS, the purpose of which is to receive public comment regarding the Draft Supplemental Environmental Impact Statement prepared in relation to the proposed operation of the department's Waste Isolation Pilot Plant located near Carlsbad, New Mexico.

If I could request you to please take your seats, we would like to resume our hearing.

Ladies and gentlemen, I've been asked to announce the Sweeney Center has just received a phone call from our good friends at Safeway. It's their intent to begin towing away cars parked there by people that are attending our hearing. So unless someone from your group is buying groceries at Safeway and your car is parked at the Safeway parking lot, you might want to do something about that.

Ladies and gentlemen, as I mentioned earlier, I've been going down our list of preregistered commentors. We are in the process of receiving comment from prescheduled commentors who are representing public interest groups as well as elected officials. There were a number of individuals who had time slots previous to 2:20 whose name I called and did not get a response. Let me call those names once again to make sure that we do not miss them, and then we'll go ahead and pick up where we left off earlier.

Once again, I would call David Coffey. Is Mr. Coffey here?

Arlene Goldberg? Arlene?

Yes. Would you please step forward?

Arlene represents the New Jewish Agenda and Unlearning Racism Institute.

You will have ten minutes for comment, ma'am. At nine minutes a little green light will go on the podium, at ten will be a red light. And if could you start by giving us your

mailing address.

MS. GOLDBERG: My mailing address is 1233 Paseo de Peralta.

MR. EIGUREN: Very good. Thank you.

MS. GOLDBERG: Santa Fe, 87501.

MR. EIGUREN: Before we begin, I'd like to note for the record that both Mr. Bickel and Mr. Arthur have rejoined us as the hearing panel for this segment of the hearing.

Please proceed.

MS. GOLDBERG: I am Arlene Goldberg. I am a parent, a psychotherapist, an avid gardener, a member of New Jewish Agenda and the founder and director of the Unlearning Racism Institute.

I've come here today to declare to you that I would like to express for myself, for the people that I work with and for the members of the community that I live with that I feel that our human rights are being violated. It is true that I am not being tortured physically, but it is not true that I am not being tortured physically. Because of the Department of Energy's intention to open the WIPP site without meeting the EPA standards, the connection between my emotional and my physical well-being cannot be detached. 1-3

It is true that I am not having my home being demolished, but it is also true that I am having my home being

demolished, because of the concern for or the disconcarn about the safety of transporting highly toxic radioactive waste to the burial site of WIPP. I can no longer be in my garden without the fear and the concern that my lifestyle is being demolished by this transportation of the WIPP Project. When my heart is not at peace and my well-being is being threatened, then my relationship to my fellow humans cannot be at peace.

I em what's known as an ichpatnik, a person who cares. That is a Hebrew tarm for a parson who cares. When 50,000 plus people are going to be put into jeopardy by the premature opening of the WIPP sita, then my community is not at peace.

As a person who loves New Mexico and who incorporates into my life and into my work and into my relationships the concept of tikkun olam, which literally means in the world to come, and which personally means the writing of the world in my life, I would like to close with saying in the world to come no WIPP. 15-Jun-89: TS-00335, PAGE 2 OF 2

MR. EIGUREN: Thank you.

Once again I'll resume calling names of individuals who I called earlier and got no response.

Don Smith? Don? Yes.

Mr. Smith, would you step over here, sir. I have you as representing Citizens for a Safe Planet.

MR. SMITH: That is correct.

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1-2

MR. EIGUREN: Can we have a mailing address, sir?

MR. SMITH: PO Box 339, Santa Fe, 87504.

MR. EIGUREN: Thank you.

Please begin.

MR. SMITH: Pardon me?

MR. EIGUREN: Please proceed.

MR. SMITH: Thank you.

Gentlemen, I have a complaint to install here, and that is where are the rest of the members? Where is the Governor of the State? Where are the representatives? Where is the rest of DOE? My complaint is that you represent us. We are the government. These -- we are the government, not you. You are our public servants.

And what is going on here is that you're proposing to spend more of our money that you've already expended, $780 billion for a useless project, to contaminate not only the planet, but human lives in the future. And we're talking about a decay rate of what? Plutonium for 240,000 years? And we're only going to guarantee that your TRUPACT system can last 10,000 years. Do you stand behind that?

Now, if you're so sura that this facility is so intact and safe and secure, why don't you put it in your own backyard? Why don't we put WIPP inside the Pentagon? Why don't we bury at the White House? We don't want the stuff in our backyard, because the New Mexican citizens -- this does not

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just concern New Mexico. This concerns the whole safety of the planet. We're talking about biological, ecological systems being affected. We're talking about air that is being affected.

Are we going to be the better in New Mexico in five or ten years because of your sloppiness, environmental shabbiness, because of somebody maybe pocketing money? Due to the fact that somebody has some nasty complaints, like Rocky Mountain Flats, and they can't get rid of it, so they send it down to us, because they don't know how to handle it.

There's already violations with DOE and Rockwell National that the FBI is investigating. They've been coming in -- two violations in particular, dumping it right into creek beds that supplies water for 27,000 people and in my town. 3.2-1

Gentlemen, it sounds to me like there's some reassessment needs to go on here. And let me say this clearly. I know there are people in this state, as well as the country, who are beginning to take an eye that you have representatives very closely. Recently a statement was made by a senator from California, William F. Craven, "If we don't watch our respective tails, the citizenry is going to be running the government."

Now, these are the kind of people that we are going to be giving recall to. We're going to make shoe salesmen out of them. We're going to send them to dig ditches

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and lay pipe. All right? So I want you to be very clear that there are people in this state, as well as the nation, including a bribe. We're affecting other nations, and no longer can this issue of a national interest or the national security be obsolete.

I'm going to quote to you a phrase from Buckminster Fuller. "Humanity is learning all the right technology for all the wrong reasons."

And by fear of winning wars and other ideological differences we have to create these so-called defenses which in turn are committing these wastes. Do you know how many tons of hazardous wastes are produced in this country alone? You two have that information? Would you like me to tell you? 3.1-4 3.2-1 3.6-1

It was in a national magazine, Time magazine, 300 million tons. That's more than a ton per person in this country. Who is producing these toxic wastes? And what are they doing with it? Why are they doing it? Have you asked those questions?

Now, all of you people seem to have this notion that because you sit behind your desks and you're paid from 8:00 to 5:00 and you think you do pass these laws and you do this and you do that that that makes me look good. Well, personally, I feel that a lot of you guys should become shoe salesmen, or maybe dentists. Maybe that would help.

Let's see here. Clean Water Act has been

violated. I'll quote you from a newspaper. Santa Fe New Mexican -- excuse me. New Mexican. It's also alleged that since 1986 Rocky Mountain Flats has generated at least thirty-five to forty hazardous or mixed wastes into final disposals to various on-site facilities that do not have permits or interim status under the 1976 Resource Conservation and Recovery Act. There's a breach of confidence. It is a RCA -- excuse me -- RCRA felony. Are you guys condoning such activities or what?

And also it talks about over here that an $8.6 million bonus was awarded by the DOE to Rockwell. That's our money that you're spending. Our money, not yours. We should have public hearings about this every week and watch every move. And what we're going to do is we're going to begin to have people march to Washington, DC, and we're going to have people have sit-ins here in the state capitol. We are going to sit right in your so-called hearings, because the public has a right to know these things. It is our planet.

Do you know how fast this planet goes around the sun? You don't even know that. Do any of you have more then two years of chemistry? Do either of you have two years of chemistry? Please raise your hand. Did you take physics? You guys are not responding. How come? You may respond. It's okay. You're a public servant.

MR. EIGUREN: This is not a question-and-answer

3.2-1

period, sir. It's your opportunity --

MR. SMITH: I know. I'm just curious.

How much time do I have?

MR. EIGUREN: You have about four minutes.

MR. SMITH: Thank you. That's wonderful.

I just have some other information I want to pass along to you in case you two -- where are the other members? I like to speak to large audiences, not just a few people.

Chairman of Rockwell International, "We believe we have managed Rocky Flats Plant responsibly and effectively in the past and continue to do so today."

In a related development a US Inter-Governmental Affairs Committee looking into Rocky Mountain Flats says that investigation is underway into the use of controversial drug use at Rocky Mountain Flats. Do you know what that drug was? It was to their workers there for radiation that leaked out, that their workers were affected by it.

It's wonderful. We're making this the most safe world. We're talking about future generations, not just one or two. We're talking about grandchildren, we're talking about the safety of the planet here. And you people want to go perpetuating because you've got this shortsighted vision, like someone put blinders on you, and you're not even concerned about the whole welfare of the planet, as well as the solar system.

3.2-1

Do you ever think about that? I bet you don't. Maybe you have bad dreams about it. That would be nice. I had a nightmare last night about what was going to go on here today.

Let me read you something else. The affidavit went on to say there was probable cause to believe that Rockwell and DOE officials in November of 1985 falsely certified all habitable groundwater monitoring requirements under the RCRA.

Naughty. What have you gentlemen been up to? Do you play chess together at night or what? What are your jobs? Don't forget, you are our public servants, Mr. Bickel, and Mr. Arthur.

In fact, various Rockwell and DOE officials were aware of serious contamination and were informed that the monitoring system was deficient and did not comply with the RCRA.

That sounds like negligence to me. Outright, deliberate negligence. Now, are you gentlemen concerned about the welfare of the citizenry, not only of this state but the United States citizenry? How can you have a healthy society and a healthy government and a healthy culture if you continue to pollute the planet?

Don't we have -- how can we have a healthy and safe planet? And how can you have healthy and safe

3.2-1

grandchildren? Because you went to buy that nice new boat out there in California. This is ridiculous. We're talking about the future, which is now. Where is your responsibility and where is your conscience? Or do you have one? Did somebody put bars on it? You got a chastity belt up there on the frontal lobes? Because most of you act like you have frontal lobotomies. And this is not directed at you personally. You understand that.

Also, we have a governor here that seems to feel that businesses shouldn't be dealt with because they have not spoken. I thought this is a country based where the person can dissent as long as it is nonviolent. Isn't this a country based on the Boston Tea Party? We may have a New Mexico Tea Party here if you gentlemen persist in establishing WIPP.

I want my planet to be clean and healthy. Now, if you want to have a dirty planet, you take all those nuclear wastes and hazardous wastes and put them in your yard, put your garden in, make it look beautiful, put a swimming pool in there and swim in the water. It would be wonderful for you guys. It would be healthy. Then come back and see me in ten years and see if you don't have cancer and other chronic and acute illnesses.

There are many things else I could talk about here, but I'm running out of time.

MR. BIGUREN: You are out of time.

3.2-1

MR. SMITH: Thank you.

MR. NIGUREN: Moving down our list, I would next call Dr. Patricio Larragoite. 15-Jun-89: TS-00337, PAGE 1 OF 3

As I understand you represent the Santa Fe Democratic Party.

DR. LARRAGOITE: Correct.

For the record, my name is Dr. Patricio Larragoite. I am the dentist that the gentleman referred to earlier. I am currently the Santa Fe County Democratic Party chairman. I am also a former county commissioner.

Five years ago we attempted to achieve public hearings for the public and for DOE so that we could state our concerns concerning not only the WIPP site, but the transportation issue, specifically focused on the safety issue.

In 1987 out of years of frustration I introduced an ordinance at the Santa Fe County Commission level to attempt to make Santa Fe County a nuclear-free zone. It was a pure attempt out of frustration to not only bring the concerns to the citizens of New Mexico, but also to attempt to force public hearings such as we're having today. I wish this public hearing could have occurred five years ago, and more likely more than two years ago. I think we would have been much further ahead in the stage of this process than we are today.

My only other comment is that DOE has not come through with the promises that were made to the State of New

2.5-1

3.2-1

Mexico concerning the safety issue, particularly in my concern as a past county commissioner, the transportation issue. And now as I look at the track record of DOE, it becomes even more embedded in my mind that the WIPP site should not be opened, possibly should never be opened.

I feel this way in not trying to give DOE the negative view of my concern. I would like to be part of the process to try and help, to try and come up with alternative solutions, to try and give DOE a more positive image to the country, rather than what we've heard recently in the press.

At this point in time many, many New Mexicans are leery and not trustworthy anymore. We do not believe what is being told to us, simply because of the track record that does exist.

The other things that stick in my mind, stick in my throat, is recent, what I would call economic servitude. When I first introduced the ordinance for a nuclear-free zone, I immediately got many calls, many more than I expected in support. Also some in nonsupport. Most of the nonsupporting calls were from employees of our national labs in the state that were saying this type of action would jeopardize their jobs, because they had been told so.

That to me is just a violation of our freedom that we stand for in America. And more recently what our governor has stated, that he would no longer tolerate any business, any

3.2-1

9-7

business person, conducting business with the State of New Mexico if they were anti-WIPP.

This, in my opinion, is a definite violation of freedom of speech. We must not only protect our environment, but we must protect ourselves and our dignity and especially the people in New Mexico. Most of those workers that did call me were the Hispanic, blue-collar workers in the national labs, and they should never have been put in a position to make a decision like that. That should have been left up to DOE and also the elected public officials.

I probably have a lot more to say, I know I haven't concluded my time span, but I will conclude at this point. And I do have an open door policy, and I would like to work with anyone to come to a positive conclusion.

Thank you.

MR. EIGUREN: Thank you, Doctor.

I'd next call Ann Vingey, who represents Los Amigos del Rio.

MS. VINGEY: This is the mike here?

MR. EIGUREN: It's the gold one.

MS. VINGEY: My name an Andrea Vingey, my address is Box 486, Ribera, New Mexico.

I'm representing Los Amigos del Rio, a group of several hundred active members and supporters of an environmental education group in San Miguel County. We live

9-7

approximately forty-five to sixty miles east of Santa Fe off of I-25, and we've been concerned with activities initiated by Santa Fe Alloys, a radioactive research lab run by Guy Elliott, situated near the Pecos River since 1985.

He has a Depleted Uranium License from the State Radiation Protection Bureau to use two tons for transport, storing, use, process, two tons of depleted uranium at his site for the purpose of making cores for projectiles to pierce Soviet tanks. He's been in operation since that time, and we have organized to ask for public hearings and to oppose his activities during that period of time since 1985.

At this time, however, I am going to confine our comments to this particular region and our group members' attitudes towards the Waste Isolation Pilot Plant.

In terms of the transportation issue, shipments along I-25 impact us, and we find these impacts unacceptable. Exposure to radioactive emissions during shipments during the five-year test phase, and increasing during the twenty years after, will harm the communities living along this route, even if the shipments are entirely incident-free. Familiarity with weather extremes and peculiarities and the mountainous sections of the freeway cause us to predict eventual accidents or a series of them in our area.

And we are aware that medical, fire and police first responders are not trained or equipped to deal with an

7.3.3.1-4
7.3.5.2-4

accident involving releases of radioactivity or hazardous chemicals in this area. Those in this region commuting to and from work in Santa Fe or Las Vegas or elsewhere will be exposed to greater travel risks. We are concerned deeply over the proliferation of hazardous materials throughout our environment, which would require such extraordinary measures to isolate them, knowing that perfection is not a possible human or technical standard to be achieved. 7.3.5.1-11 7.3.5.2-4 7.15.4-2

The combinant problem that exists in interstate transportation with our highways awash of unregulated trucking of hazardous materials traveling alongside WIPP shipments, adding to that the alcohol-related highway accident and fatality record in the State of New Mexico, which is first in the nation, creates a scenario for potential disaster. 7.3.3-3 7.3.3.1-4

We might add that San Miguel County is declared a nuclear-free zone; however, that does not apply to interstate shipments through the county on a highway system. All the cities, towns and rural areas along the designated routes will experience the consequences of living with these trucks and their payload in their daily lives. 7.3.3-3 7.3.3.1-12

The impact for the residents in our rural area may be increased in another way. The highway department has recently allocated $5 million to upgrade Highway 3. We consider this proposal to create Highway 3 as an alternative WIPP route. The small, paved road that meanders along the 7.3.3.1-12

Pecos River ultimately connects with I-40 near 285. We support preservation of this region of the Pecos with no further WIPP routing.

In general, in relation to transportation safety issues and potential accidents, we feel the risks are totally unacceptable. Parents along the route in our community are particularly concerned for their children and feel that the lifetime dose level assessments do not accurately depict injury to normal growth and development of children. Scientific studies disagree as to the impact of radiation on the pre- and postnatal human condition, and controversy over threshhold dose levels that are noninjurious is unresolved. 7.3.3.1-12

Moving on to economic risks in the northeast regions. These are definitely posed to this part of New Mexico through the falloff of tourism and wilderness and recreational interests. This is an undeveloped but planned for aspect of economic growth of the northeast region. A percentage of those from other states and countries who would have come here to explore the cultural, historical and outdoor recreational activities, try the agricultural products, and possibly return season after season, will not now do so if WIPP opens, due to increased travel and environmental risks. Promotion of tourism will not see the results in the future previously anticipated. 7.2-31

And, also, a number of those who have moved here, adding to the economy, the tax base, and bringing their talents

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and families will not. In addition, some will leave the area.

We believe that the $4 billion of total monies figured into the WIPP equation as compensation to the state and people of New Mexico cannot repay them for the loss in the health standard, the loss of attractiveness to the world's people and the tourist dollar, the loss of other potential business that will now remove New Mexico from future consideration, the loss of its people and families who will leave under the threat of environmental and human safety degradation. 7.2-31

There will be loss of integrity due to the combined corrosiveness of multiple public health-risking endeavors and activities that clearly imply misplaced priorities, carelessness and too much trust in fallible systems. In fact, no monetary amount can compensate for these losses.

We have a number of other issues that I'd like to direct attention to. I'm wondering what my time is here.

MR. EIGUREN: You have three and a half minutes.

MS. VINGEY: Oh, great.

In terms of site storage, we oppose deregulation of low-level waste and incineration of radioactive and mixed wastes at the sites of origin in order to appear within WIPP quotes. These are unsafe measures taken by DOE in order to transport more material, not less, to the site. Quantities of 5.1-1 7.15.3-14

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hazardous material will be released into the original site environments under this plan and endanger the people at the original sites. 5.1-1

We know the ability of the larger biosphere to absorb greater and greater amounts of carcinogenic and toxic materials is limited and finite, and, therefore, routine releases of radioactive emissions from the drums and vented gases disbursed into the atmosphere to near pathways is an unacceptable necessity despite the number of the filters involved. 7.3.1.1-16 7.3.1.1-23

I'm going to skip on here.

We had an issue with the security of WIPP, because we have an issue with the security at Santa Fe Alloys Lab. We have been denied public hearing at the site because of supposed threats to EID personnel here, and yet the safety and security of the residents of the valley is threatened by the lack of security measures at the lab. Of course, because of this we are painfully aware of the threats of sabotage and terrorism at sensitive sites and the additional potential risks posed by these facts of modern life. 7.12.7-1

In addition, it denies the laws of access to democratic involvement in decision making as a result of these threats, which is very real and has affected us quite personally.

We also challenge the concept of new generation of 3.6-1

nuclear materials in a twenty-year phase period as such a significant proportion of the storage capacity plan for WIPP. We believe that alternative defense-related measures in a changing world are clearly a necessity. 3.6-1

If I could just make one closing statement? I assume I'm --

MR. EIGUREN: Yes.

MS. VINGEY: -- near out?

MR. EIGUREN: No. You have a minute left.

MS. VINGEY: The government initiated nuclear activity in this state in the '40's in secrecy. The people had no opportunity to be knowledgeable or involved in the decision making. In nuclear defense issues, and in a related way nuclear power issues, there's always been a veil between the American citizen and these government activities. More and more, however, the awareness of the input of the community in these proceedings is, we hope, a living testament to the democratic process. 2.3.2-2

The expression of opposition to the start-up of this project must be recognized and seriously considered by the DOE, or these hearings will be a charade, and what would follow would not in essence be that different from the tanks rolling over the Chinese people who are asking to be heard, who are asking for the recognition of the need for change. 9-1

We oppose the WIPP Project for moral, ethical, 1-3

ecological, political, economic, biological, geologic, cultural and historic and patriotic reasons. We can concur -- you should have heard the stuff I haven't had a chance to read.

We concur with a view that WIPP should not open until the public and environment can be proven safeguarded by WIPP repository compliance with EPA standards before the test phase begins. 1-3

In addition, we believe that our struggle to excise the threat of contamination to the upper Pecos River and its environment is related to the effort to protect the lower Pecos River area, for the entire Pecos is at issue here as water in the desert, a necessity of life, is priceless and cannot be compromised.

Thank you.

MR. EIGUREN: Thank you.

We're now at order number 29 on our list, Bonnie Bonneau. Bonnie Bonneau?

Peter Von Holm? Peter Von Holm?

Jerry Chasen?

MR. CHASEN: Here.

MR. EIGUREN: Okay. Jerry, could you step forward?

Following Jerry would be Zona Dateetro.

Jerry represents Casa Las Barrancas.

Jerry, you'll have ten minutes for comment, sir.

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At nine minutes the green right will go on, and at ten the red.

MR. CHASEN: Thank you.

MR. EIGUREN: Give your mailing address for the record, sir.

MR. CHASEN: My mailing address is Post Office Box 3809, Pojoaque Station, Santa Fe, 87501.

MR. EIGUREN: Thank you.

MR. CHASEN: Fellow citizens, my name is Jerry Chasen, I'm a practicing attorney, I am also the secretary and manager of Casa Las Barrancas, Inc., a small community in the Pojoaque Valley.

I appreciate the opportunity to address the concerns presented by the SEIS document and the WIPP proposal.

Several of my colleagues here would summarily remove those officials of the Department of Energy who support the scheduled opening of the Waste Isolation Pilot Project from the classification of human being. They would reclassify these unfortunate souls as the enemy, the forces of evil, or just simply as monsters.

Although I firmly oppose the scheduled opening of WIPP, I would not go so far. I'm willing to recognize that these officials and employees are human beings. But that in itself tells me a lot about them, because human beings make mistakes. Human beings also have the capacity to recognize danger signals and correct the course of action which would

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7.3.5-1
7.13.3-1

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otherwise lead to error.

Proceeding with the scheduled opening of WIPP would be a grave mistake.

1-2

In the first place, human error, that same quality of human experience which has us here in the first place, has not been taken into account in assessing the risks of proceeding.

Second, mistakes have already surfaced in the expectations the department had in assessing the site.

7.3.5-1
7.13.3-1

Third, we as human beings often have a warning system which is triggered by ventures into dangerous territory. In this case the warning system itself was in creation, establishing that by definition we cannot have addressed the concerns it raises.

Finally, the damages which will result from proceeding with the scheduled course so far exceed the damages from continuing with the non-action alternative, that is leaving the waste where it is, as to render entirely unreasonable proceeding on the scheduled course. In other words, this is a sure-shot mistake.

1-2

The calculations in the SEIS do not consider the potential for human error. Perhaps the Department of Energy is not projecting the same variety of human beings as I'm familiar with will be working on this project, because the only type of human beings I know about make mistakes. But since I can only

7.3.5-1
7.13.3-1

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speak from experience, I'll have to assume that those are the types of human beings DOE uses, until they can show me otherwise.

And there's lots of room for human screwup in the plans presently projected. We have errors possible in the designs of the containers, the assessment of the materials used, the testing processes, the manufacturing, the inspection, the maintenance and the operations.

And then, of course, there's the disposal process itself, bringing on possible errors in packaging, loading, unloading, et cetera.

There's travel, too. Certainly no one sets out to have an accident, but, unfortunately, we're all too aware of the fact that they do happen and happen often. I remind you that the trucking company selected to move these materials is the low bidder, with absolutely no experience hauling hazardous or nuclear materials on public roads.

When Three Mile Island was built accidents caused by human error were not factored into the projections. But that was the cause of that accident. It was also the cause of the accident at Chernobyl. Likewise, the Exxon oil spill. Unless DOE really has some new type of human being in mind for these jobs, then the people executing WIPP will be the imperfect human beings capable of error, and accidents arising from WIPP are in reality 1,000 to 100,000 times more probable

7.3.5-1
7.13.3-1

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and/or more severe than we've been told.

I must say I had my doubts about DOE coming up with an errorless human being, because mistakes have already been made in the prediction and expectations that DOE have regarding the site. There are cracks in the walls causing the walls to close in on each other at a rate two to three times faster than expected.

If in the future noncompliance with federal standards would require the retrieval or removal of wastes, the accelerated collapse of the repository may make the plan to retrieve waste impossible or extremely hazardous. And even if as DOE claims this error in calculation is harmless, it demonstrates that error is quite possible in connection with the projections concerning this proposal, and there certainly is no guarantee that the next error will be so devoid of consequence.

For example, brine is seeping into the repository much faster than had been expected, and the formation of radioactive slurry has been described as very likely. Indeed, the Scientists Review Panel at the University of New Mexico, an independent agency having no stake whatsoever in the outcome of this debate, says that under present plans radioactive slurry could reach the Pecos River in less than 100 years.

In my experience when human beings are faced with the results of their mistakes, they're likely to say something

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like I just had a feeling this wouldn't work out, or I just wish I'd listened to so-and-so. Sometimes, also, these mistakes are preceded by a feeling that we'd like to take some action, and so we rush headlong into something without taking proper time to reflect and assess the situation. Instead of making the most prudent choice, we take the first option we see and then have to deal with the damage.

There are major warnings here protecting us as a group of human beings from committing this exceedingly dangerous mistake. In the first place, the environmental standards which SEIS purports to meet, never mind the substantial question of whether, in fact, they do meet, are not even in existence anymore. These standards were struck down because they did not comply with minimum federal law.

New standards are expected out shortly. If we as a society have established an agency, the EPA, to safeguard our environment, what would compel us to proceed without having the benefit of that agency's specification of the factors to be considered in review of a proposal like this one?

Remember, we are talking about a deposit which is supposed to contain wastes safely for 10,000 years, never mind the 240,000 years plutonium is active. Remember, too, that the Department of Energy itself has said that no environmental reasons have been found why the TRU waste can't be left at the Idaho National Engineering Laboratory indefinitely.

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What's the rush, particularly in light of all of the warning signals? The urgency around this project, the feeling that something must be done, regardless of the costs, the damage or the dangers to this community, is unexplained and apparently unsupported.

So we all make mistakes. But this mistake would be a nightmare to clean up. Euphemistically, we could say that irreparable damage may be done to the delicate environmental balance of this region, but that doesn't begin to convey the horror of a land where radioactive water flows and which is unfit for human passage, never mind habitation.

Euphemistically, we could say that there may be some injury or lives lost as a result of this project, but that doesn't begin to describe the anguish of a mother giving birth to a child deformed as a result of radiation or a child living without parents because their lives were cut short by an unforeseen tragedy. You know, the human part of this story.

As an attorney I've had the privilege of working with people putting ideas and projects together. I've watched them come to agreement on various issues that have divided them. When they proceed it is with alignment, and the results of those understandings are invariably positive.

I've also watched and tried to deal with the aftereffects, when, as a result of unequal bargaining or for whatever reason, a party has by force implemented its will.

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Although it may look like an agreement has been reached, there is none. So here. Although it may look like a process is in operation, I fear that DOE has only one interest, defending the SEIS and proceeding regardless of the cost, the damage, psychological, physical, ecological and social, which will result from this course of conduct, will take centuries to clean up, if it is indeed at all possible.

Casa Las Barrancas is an interesting little community north of Santa Fe in the Pojoaque Valley. One of the key elements of our community's living agreement is that we do not, by weight of argument, finances or otherwise, force a position on another community member. Rather, we all take our needs into account and by consensus come to a course of conduct which satisfies all of our needs. 3.2-1

True, this process takes longer. It also means that when we proceed we all do so willingly, and, consequently, we inevitably accomplish our result faster and to everyone's satisfaction. The important thing is that we recognize that proceeding by force would be a mistake and that proceeding by consensus we help to avoid mistakes.

We must stop opting for instant gratification and look at its costs. You of the DOE may think you have found a place to put this stuff, but by not listening to the warning signals about proceeding here, there will be grave damage. And the damage done by this type of arrogant, insensitive,

headstrong and belligerent action by government will take far longer to unravel than the time it takes to proceed prudently, cautiously and sensitively in the present situation.

Department of Energy, listen up. Suppose WIPP does proceed as you have planned. When there's an accident, when people die, when it all starts to leak and pollute the environment and ruin this area of the country for generations, perhaps centuries, what will you say? Whoops, I goofed? Sorry, but I did the best I could? 3.1-8

Will it have been worth it? You know the answer. Sure, you're human beings. Sure, you can make mistakes. But it doesn't mean you have to make this one.

Thanks for your consideration.

MR. EIGUREN: I would next call Zona Deteatro. Zona Deteatro?

I'll call her again later.

Susan Morgan? Susan Morgan?

Marie Ferneau? Marie?

If we could have your address and the group you represent, please.

MS. FERNEAU: Yes. I am Marie Ferneau, that's Marie. I am representing the Galisteo Community Association. My address is Box 41, Galisteo Route, Lamy, New Mexico.

MR. EIGUREN: Thank you.

MS. FERNEAU: I speak on behalf of the Galisteo

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Community Association, addressing the problem of highways not being made adequate for the superimposition of WIPP trucks.

The people of Galisteo will be traveling the proposed WIPP route, Highway 285, every day to Santa Fe to work and to shop. In view of the information to be presented here, I have designated this route Horror Highway 285.

These facts are from Volume 2 of 2, April, 1989, of the Environmental Impact Statement. The routings from Hanford, Washington, Idaho National Engineering Laboratory, Rocky Flats, Colorado, sometimes Lawrence Livermore National Laboratory in California, the Nevada Test Site and Los Alamos National Laboratories are all designed to funnel into 285 east of Santa Fe. From the east Argonne National Laboratory, Illinois, Mound in Ohio, Oak Ridge National laboratory, Tennessee, will join 285 at Clines Corners Junction and I-40. The Savannah River Plant, South Carolina, feeds into 285 south of the WIPP site.

The entire WIPP national transport system is designed to use 285, a mere two-lane highway, a highway already pocked with numerous existing hazards, with no improvements for the additional tremendous impact of WIPP.

Some of the hazards listed in the environmental impact report in our immediate vicinity are White Mound, Hanford, Washington, would be coming that way on I-25 to 285, hills and icy; Glorieta Pass ices up with drifting snow;

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Highway 285, White Lakes area, just south of Galisteo, hills, icy; Clines Corners, 285 and I-40, may have drifting snow with zero visibility, high winds; south of Clines, hills, icy; Vaughn, snowpacked, icy, windy, and so on.

The worst hazard of all on 285 is not listed. That is the intersection with the route the Galisteo residents have to travel to get to Santa Fe. Galisteo is five minutes -- five miles west of Horror Highway. Our State Highway 41 dead-ends into 285 at the foot of a viaduct that is no wider than the two-lane highway, and that viaduct gets icy, believe me. The viaduct is aligned to the north from whence the over-wide, no-escort WIPP trucks would come.

Our visibility is no more than 200 feet, and we come from a dead stop to cross the lane of unseen trucks in a left-hand turn toward Santa Fe. And our visibility in the other direction is hardly any more, as it is blocked by a bridge over the Galisteo River. And guess what is under the viaduct? A railroad track where it seems to be an on-again, off-again proposition as to whether or not Rocky Flats, the greatest nuclear waste producer in the world, will use the railroad as transportation.

But regardless, if a TRUPACT crashes over the railing in the viaduct, the oft mentioned pinhole just might occur, and the water and the environment of the entire Galisteo Basin, all the way to the Santo Domingo Pueblo, is polluted.

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Highway 285 will he the highest concentration of moving nuclear waste in the entire country. And this we have to face every day.

Another hazard not listed in the Environmental Impact Statement is the intersections with no traffic lights, where Eldorado residents by the hundreds at every rush hour also making left-hend turns onto 285 challenge the flow of the right-of-way traffic already on 285 traveling at highway speeds. And the population of this area is growing at an alarming rate as more high-density subdivisions are added.

The over-wide, over-long trucks themselves are an incredible hazard, let alone implications of their payload, and we will have them not only on their loaded trips but on their return trips. How can so little insight and so little caring he exercised by those in power? How can we get political attention?

I have a drastic last-ditch suggestion, if efforts such as the expressed concern of this hearing fail to get political attention to our plight. I care enough to stick my neck way out on behalf of all aware people, and even in behalf of the advocates of this horror story, for they, too, the dummies, are victims in case of accident.

At this point I release the people of Galisteo from responsibility from what I am going to say, for it is a dangerous idea.

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A concerned friend said, "Marie, you'll get shot if you do such a thing." I think she was thinking of the violence that can occur when there are large vested interests, but I don't think I'll get shot.

Anyway, I would personally do this in addition to joining those who plan to lay their bodies across the highway in front of the trucks.

I address all political leaders, community, county, state and national, but in particular Governor Carruthers, our economic development governor, he calls himself, for he seems to feel more responsible -- more responsibility to the political forces of the nation than he does to those who elect him.

All right, Governor. Let's think national. Let's show some concern for the people of this entire nation.

Tourism is a major industry in New Mexico, particularly in Santa Fe. The politicians and business people have gotten the attention of the entire country and the city prosperous. I commend them. But what has been done can he undone by exactly the same thing, publicity.

My plan is this. It can he done by one person, and the cost is small. Some stationery, some printing, a mailing list and some stamps. So if I should stub my toe and break my neck getting back to my chair, someone else could do it. The word is out. I would write a letter to the editor.

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Letter. Have multiple printed and send them to every editor of every newspaper in the entire country, as a matter of national concern. 9-1

Governor Carruthers, as you say, it's a free country. I would tell them of the reality of Horror Highway, and of New Mexico in general, and as having the highest concentration of nuclear waste in transit in the country. I would speak to the citizens of the nation. Don't come to New Mexico. Our beautiful land has become the dump of the nation. Don't spend your vacations here, don't buy property here, don't bring your industry here. In fact, don't even drive through the state, for you will be rubbing hubcaps with unavoidable trucks carrying radioactive nuclear waste. New Mexico, wasteland of America. 7.2-1 7.2-2 7.2-4

This I will do to get political attention if WIPP opens as it is planned at this point. For in a space of one lifetime I have witnessed the dissent of this country and of the world from a pristine, lush environment, as an ideal habitat for humans and animals, to a stinking garbage dump. We are killing this earth. There is no consolation in this, the greatest of all tragedies. 1-2

Fear retaliation for trying to stop tourism to New Mexico? Hardly. As the legendary woman of the Revolutionary War said, "Shoot if you must this old, gray head, but this flag I will plant."

Thank you.

MR. EIGUREN: Ladies and gentlemen, I'm going to go through the list of the next five commentors. Once we complete comment from these five individuals, we'll take a brief recess.

Nancy Rodriguez, Dr. Robert March, Cathy Caron, Richard Johnson, Jean Nickells.

First call the Honorable Nancy Rodriguez, member of the Santa Fe County Commission.

Is the commissioner here?

Pass her over for now. We'll call her name again later.

Dr. Robert March?

Dr. March represents the Santa Fe Holistic Foundation.

If we could have your mailing address for the record, Doctor.

DR. MARCH: It's PO Box 932, Santa Fe, 87504.

MR. EIGUREN: Thank you.

DR. MARCH: First of all, I want to thank you for allowing us to share our point of view with you, and we hope that you would seriously consider what is being said here, as well as all the other places around America.

I'm very concerned about the WIPP Project and about the validity of the SEIS. I've studied the SEIS since 3.1-2

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its release in April, and I've been extensively studying the nuclear waste issue for about a year.

I also want to say that I have a business in Santa Fe, I've had a business here for nine years, and my business promotes health. We train health care providers. And probably 95 percent of our school students come from out of state, so I'm very concerned about bringing out-of-state people here, if they will want to come here, if there were an accident. Or perhaps not even in having an accident, what would be the psychology of someone coming to a place as this.

I'm a concerned citizen who feels deeply and thinks realistically, yet hopefully, about the state of the environment and the pollution of our air, water and soil. The WIPP issue concerns me primarily for health reasons.

As Senator John Glenn has said, "Those who would choose to poison their own people in order to make nuclear weapons should be asked what are those weapons supposed to protect us from?"

The poisoning of our own people is amply documented in this book Deadly Defense. I hope you all read it. I hope Mr. Arthur and Mr. Bickel have read the book. The poisoning of our people is documented also in this GAO excerpt of Nuclear Health and Safety. I'm submitting these as evidence.

Also, there's a book called -- let's see -- In

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the Shadow of the Cloud, which deals with the health effects of aboveground testing to workers and to military personnel. And in many other places there's documentation for the facts that bomb building is poisoning people.

It's time now to change the situation. It's time now to stop lying about, it's time now to stop denying, as Dr. Chellis Glendinning has talked to you about, it's time now to stop withholding, suppressing and misrepresenting information that concerns the health and safety of the people in our environment.

One misrepresentation which has been happening in the press, was expressed by a Westinghouse spokesman and by the Governor of Idaho, was people saying that WIPP is a solution to the problem. WIPP is not a solution to the problem. The problem of the waste that is poisoning people today is not the waste that's coming to WIPP. So I would ask you, please, to stop misinforming people and telling people that WIPP is a solution to the nuclear waste problem today. It is not.

It's time to stop acting as if nothing is wrong. It's time now to make health and safety your, DOE's, and our number one priority. If bombs can't be made without poisoning people, then we have no business making them.

It's time now for this country to reconsider the policy of flexible response and first-strike capability, which, if continued with the same lack of concern for health and

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safety, means the ongoing poisoning of people and the environment, the continued erosion of our economic strength, and the failure of our government to win the war against such real social enemies as hunger, malnutrition, disease, homelessness, drug addiction, crime, domestic violence and illiteracy.

To quote Senator John Glenn once again, this has already been quoted today, so hopefully we're learning this, "We cannot afford to risk permanent harm to our citizens and our land in the name of national security."

As you know, there's a huge problem with buried waste. This waste is poisoning people today. This must be dealt with immediately. The $35 billion to $65 billion necessary to do this must be spent as your top priority. Also, the nuclear disaster that happened in the Urals, which is in Russia, in '57 or '58, gives me great cause for alarm regarding the potential for explosion in buried waste.

And I've submitted some information about that disaster, which, incidentally, was suppressed by RCRA and was suppressed by the Soviet government.

The Urals disaster also calls into question all of the water problems at the WIPP site. A site that was supposed to be bone dry forever is leaking. In addition, with a highly pressurized 2,000 pounds per square inch brine pocket of more than 15 million gallons below the site, and the Rustler aquifer

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above the site, there's a great potential for disaster involving water interaction with the waste and a potential explosion as a result.

I believe this type of explosion is called something like a mud volcano explosion, which happened at the Urals and was narrowly avoided at two sites in Hanford.

Next, you, the DOE, and we must find a way to safely and efficiently deal with deadly bomb waste. I suggest a Manhattan Project that brings together top scientists from the world over to discover and implement new ways of neutralizing, isolating, transmuting and rendering the waste harmless to people and the environment. Geological disposal is not the answer, unless the right methods, perhaps as done in Iceland, and sites are chosen and independently verified to be safe.

I believe we all feel, and rightly so, that we cannot trust the DOE to say that the site is verified to be proven safe. Acceptable risks must be acceptable to all the people exposed to the risks and not just the DOE. And people must be told the truth about the risks of exposure to radionuclides and hazardous chemicals.

I hope that you soon release to the public your full information concerning the health records of the 300,000 atomic workers nationwide. I hope that you release whatever information you and the Canadian Atomic Energy Commission, if

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you have any say in their dealings, have on the Petkau Effect.

The Petkau Effect will be raised a number of times through this hearing, and I'm submitting evidence about that effect myself.

With a full disclosure of health consequences to workers, to the public and to the environment, the effect of radiation on ozone depletion, et cetera, we can more truthfully and realistically assess the building of bombs and the use of nuclear power plants.

Do the risks of building nuclear bombs and generating nuclear power in reality far outweigh the benefits gained? Will health and safety become the DOE's priorities, or will they continue to be building more bombs, no matter what the health and safety costs? How many bombs do we really need? Do bombs really bring us security? Can we stop making them? Can we decommission bombs? A bomb for a bomb with the Russians until parity is reached at some mutually acceptable level?

Can we survive the environmental crisis brought on through arrogance and greed which has blinded us to the negative consequences of unbridled bomb building and technological advancement with a little ecological awareness?

We have forgotten that we're a part of, and not the lord over, the web that has no weaver, the world ecology. We have forgotten God, in our own self and in all creation. We have lost our living connection to the earth. We have gotten

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caught in a mind-bind and have forgotten our heart. I hope and prey that we will wake up in time.

Getting on to WIPP, I see WIPP as the DOE's golden opportunity to do the job of safely disposing bomb wastes right, perhaps for the first time. This means no waste emplacement until the WIPP site can meet the newly promulgated EPA standards, and this must be verified by an independent agency such as the NRC, or whoever would do that.

Also, the DOE must fully and openly discuss the effects of the cracks found at WIPP as reported in the New York Times on June 3. The information on these cracks was known by the DOE since December of '87, and it was not reported on in the SEIS, the very document that is supposed to assess the safety and workability of the WIPP Project. This is one more example of the DOE's hiding vital information that concerns the health and safety of workers and the public at a DOE facility.

Additionally, the SEIS is weak in the following areas: Discussion of the impact of brine seepage into the waste emplacement rooms; the effect of a pressurized brine pocket under the site.

I could go on. I got a red light.

Well, I'm going to be submitting this in writing so you'll have it to look at. I just hope that you're listening and will take to heart, will have a feeling about

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what people are saying and sharing with you, and that we will work together to come up with a safe solution to this bomb waste problem.

Thank you.

MR. EIGUREN: Dr. March, do you want to submit that for the record?

Okay. When you bring it up we'll mark it as an exhibit and include it in the record.

I would next call Cathy Caron, followed by Richard Johnson.

Is Cathy Caron here?

Richard Johnson?

Mr. Johnson represents Businesses Against WIPP.

MR. JOHNSON: My address is 134 West Water Street, 87501.

MR. EIGUREN: Thank you.

MR. JOHNSON: As a representative of the Santa Fe business community and founder of the Businesses Against WIPP movement, I am proud to stand before you and exercise my constitutionally guaranteed right to freedom of speech.

As I speak, there are 325 Santa Fe area businesses who have taken a public stance in opposition to the WIPP Project by displaying signs in vehicle and shop windows, sponsoring radio, newspaper and television ads, and contributing money to Concerned Citizens for Nuclear Safety, or

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CCNS. These 325 courageous businesses are standing up for the freedom of speech and the right to disagree with our government in the face of economic discrimination by the Governor of New Mexico.

Despite the fear of an official retribution, our numbers are growing. I am delighted to report that CCNS has experienced a surge in demand for Business Against WIPP signs since the story broke that Governor Carruthers wants to deny discretionary state money to any business or individual who opposes WIPP.

Thus it is clear, our allagiance is not to Chairman Carruthers, but to the democratic principles on which this country was founded. And one of those principles is that the actions of our government must have the consent of the governed.

The people of Santa Fe do not consent to these hearings being split into three simultaneous sessions which deny participation. We demand the opportunity to be heard by all and the opportunity to listen to all comments.

Furthermore, the citizens of Santa Fe do not consent to the DOE's transporting deadly nuclear waste through our county at the rate of one truckload every ninety minutes, five days per week, for twenty-five years.

Nor do we consent to these shipments rumbling through our city, past homes, businesses and schools, at the

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rate of 100 truckloads per year.

Gentlemen, I assure you, if the WIPP trucks start rolling down St. Francis Drive, there will be riots in the streets of Santa Fe, New Mexico. The people of Santa Fe are not willing to play the high stakes game of radioactive roulette on our roads for the sake of a dangerous government experiment. 7.3.3-3

Accidents are bound to happen. Even the DOE predicts twelve truck accidents in twenty-five years. This is based upon 1977 transportation figures. Independent estimates are much higher. New Mexico leads the nation in drunk driving statistics. 7.3.6.1-3

In the Draft SEIS DOE concedes that the dominant accident effect for truck shipments is crush rather than impact. DOE has not tested, nor do they intend to test, the TRUPACT-II shipping container for crush resistance. 7.3.1.1-9 7.3.4-2

At virtually every point along the chain of events leading to emplacement of waste at WIPP there are chances for human error. There could be an error in TRUPACT manufacture, for example, a loose bolt; an error in maintenance, example, failure to lube a seal or notice a crack in an oil rig; or the error could simply be in properly securing the TRUPACT truck bed. 7.3.5-1

In the SEIS report the human error factor, as everyone knows by now, is zero. This simply ignores life in

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the real world. 7.3.5-1

Another matter of critical concern to local interest is the fact that the SEIS states that the trucking contractor must meet all applicable federal transportation statutes but is silent on their obligation to comply with state and local ordinances that have been upheld by the Department of Transportation or the Federal Courts as being consistent with the Hazardous Materials Transportation Act. 7.3.3-7

Where a state, tribe or local government has found that additional precautions are necessary to protect its citizens and its resources, the DOE must require its contractors to respect those regulations.

DOE estimates that over the life of the project 34,000 truckloads of radioactive and hazardous waste will be transported to WIPP. Approximately one fourth of those shipments will contain remote handled waste which must be moved while requiring heavy shielding. No container has been built for this waste, and no testing has been done. If this waste were to come in contact with the environment, we would be asking our emergency responders to commit suicide to clean it up. 7.3.1-2

As a representative of the Santa Fe business community, I want to convey that we are greatly concerned. Tourism is the economic lifeblood of our economy, and that lifeblood is being threatened by your project. One in every 7.2-31

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ten jobs in New Mexico directly depends upon tourism. Tourism provides an annual revenue to the State of New Mexico of 2 and a half billion dollars. When you factor in a conservative multiplier effect, tourism then represents a $5 billion industry and indirectly accounts for approximately one fourth of all jobs in New Mexico. The state actively spends approximately 1 and a half million dollars annually to promote tourism. This is New Mexico's second largest source of income.

We may be killing the goose that lays the golden egg by allowing transportation and disposal of nuclear waste within our borders. One accident on the WIPP route or the release of radioactivity through the air or water near WIPP would be a deathblow to tourism.

Attraction to New Mexico is based in large degree on the public's perception of it as a clean and unspoiled place. In the event of a nuclear accident, what is the half-life of this perception of New Mexico?

The press has reported that Alaska expects a 40 percent decline in tourism as a direct result of the Exxon Valdez oil spill. If as a result of a WIPP-related accident four out of ten would-be tourists do not take their vacations in New Mexico, our economy would experience a $2 million negative impact.

In Santa Fe 13 percent of all jobs are directly related to tourism. Accounting again for the multiplier

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effect, a 40 percent decline in tourism would devastate the economy.

Using the NRC's own statistics and bringing them up to present value, using the GNP deflator, one could safely say that a suburban accident -- and Santa Fe is referred to as a suburban area in the SEIS -- a suburban accident will cause approximately $150 million. While there is insurance in the Price-Anderson Act, there is no accounting for the costs of long-term health care, death and disease associated with plutonium contamination.

Furthermore, our economy is so dependent upon tourism that if our income were severely cut we would have a hard time financing government and bond issues. The total assessed property value in Santa Fe County is approximately $4 billion. If property values fell only 10 percent as a result of a nuclear accident, we would experience a $400 million loss. The resulting decline in area bank portfolios would send more shock waves through our economy.

The SEIS speaks in glowing terms of economic benefits that will accrue to the Carlsbad area of southern New Mexico but does not include a study of the possible negative impacts on other communities along the WIPP route through twenty-three states. There are undisputable economic hazards to communities along the WIPP route and no actual or perceived economic benefit.

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For example, each of these communities should now be setting aside a reserve account for use in the event that a catastrophic accident, which we all know is coming, should happen within this jurisdiction.

Within the State of New Mexico WIPP was supposed to generate substantial revenue; however, almost all the economic benefits have been retained by the project's prime contractor, Westinghouse. Little or none of the 750 million invested so far has trickled down to the local level. Construction and mining jobs were created in Carlsbad, helping that town's severely depressed economy, but these positions are being terminated as the building phase ends.

Before closing, I would like to add a personal note and touch upon the moral issue of doing business with the Department of Energy.

Recently DOE was caught sneaking around at night, dumping hazardous and radioactive waste from the Rocky Flats Nuclear Weapons Plant in the water supply of Broomfield, Colorado, a population of 26,700. Additionally, they were caught burning radioactive waste in a non-permeated incineretor, again under the cover of darkness.

This situation parallels what has recently taken place in Red China, where the military turned on its own people. In the United States the murders were being intentionally carried out by our bomb makers, the DOE, with

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poisons, while in China the military used AK-47's.

The State of New Mexico has not passed the lottery bill or legalized gambling for fear of inviting the criminal element into our state. The Department of Energy is under criminal investigation for the murderous crimes against the people of Colorado. Does the Department of Energy represent the kind of people we want to do business with in New Mexico? Virtually every DOE nuclear facility in the country is contaminating our water, our air and our soil. How are we to believe WIPP will be any different? What are we supposed to do when the DOE says trust us?

MR. EIGUREN: Sir, you've run quite a bit over. Could you bring it to closure?

MR. JOHNSON: The DOE must be made to comply with all new EPA standards. Until they can demonstrate full compliance, no waste should go to WIPP, and the passage of any land withdrawal bill is premature.

Thank you.

MR. EIGUREN: Mr. Arthur has a clarifying question.

Mr. Arthur.

MR. ARTHUR: I have a clarifying question -- can you hear me?

MR. JOHNSON: Yes.

MR. ARTHUR: One clarifying question for your

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testimony, Richard. The question you made on the record there was, you know, some statistics you provided about potential economic losses.

Do you have backup or references for that that can be provided?

MR. JOHNSON: Yes, I do, Mr. Arthur. The economist who provided those statistics is attempting to get a contract with the State of New Mexico and cannot testify at this hearing for fear of losing that contract because of Chairman Carruthers.

MR. ARTHUR: You haven't answered my question.

Will you provide those statistics in a written --

MR. JOHNSON: If we receive the information from our state government, we will.

MR. ARTHUR: I'll look forward to getting your statistics.

Thank you.

MR. EIGUREN: Thank you, Mr. Johnson.

The written comments of Dr. R. C. March will be included in the record as Exhibit Number 310.

(Exhibit 310 marked. 15-Jun-89: TS-00343, PAGE 1 OF 8

MR. EIGUREN: I next call Jean Nickelle on behalf of La Comunidad en -- Penasco?

MS. NICKELLS: Penasco.

MR. EIGUREN: Penasco. Welcome.

Give your mailing address for the record.

MS. NICKELLS: Yeah. Box 237, Penasco, New Mexico, 87553.

MR. EIGUREN: Thank you.

MS. NICKELLS: I have one comment about the businesses against WIPP. If Carruthers wants to withhold state money to the businesses against WIPP, what if the businesses against WIPP refused to do business with the state? 9-7

I am speaking as a representative of La Comunidad, a community organization dedicated to the environmental health of northern New Mexico and particularly those towns within and bordering on the Carson National Forest. We meet every two weeks and have gained wide support among both the Spanish and Anglo communities.

Although the WIPP trucks will not be directly passing through our towns, we are still very concerned with the potential health threat. When it comes to radioactive leaks or accidents, even a few hundred miles is too close. There are already statistics on how many accidents per year we can realistically expect. We believe that one accident is one too many. 3.1-2

In speaking with hundreds of people in the rural mountain communities, we find that there is a certain consensus of opinion. Not one person whom you have spoken to thinks that putting all the nuclear waste in one place is at this point a

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sane idea. Perhaps it is just common sense. All the farmers know that it is not smart to put all your eggs in one basket. People have taken that to mean money or assets, which works, too, but when it's eggs and they break, it makes a huge mess. Now you would like us to do it with rotten eggs.

The politicians keep trying to convince us that if WIPP is not in New Mexico then it must be in some other state. Why is it a foregone conclusion that nuclear waste must be transported and put all in one pile? If the TRUPACT containers are believed safe for storage, then we believe that the most sensible step would be to store the waste in these containers at the source until technology has caught up with the problem of disposal. 3.1-2

Los Alamos has already been studying recycling plutonium. With enough government support and research and development, an effective means of recycling nuclear waste at the source could be developed. With technological advances what they are today, it might even only take months, not years. 5.3-1

What is needed here is genuine government support for finding a real solution, not just trying to hide the problem in the ground.

Let's look at the name, WIPP, Waste Isolation Pilot Project. First, instead of isolating the waste, we are bringing it together from all over the country. Secondly, waste cannot be isolated by putting it all together in the 3.1-2

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ground.

We live in a closed ecosystem where every element has a direct cause and effect relationship with the next element. Anything stored in the ground will eventually find its way into some water table, in this case Texas. We in northern New Mexico may not be crazy about Texans, but we really don't want to get rid of them this way.

Furthermore, we believe that the most dangerous thing that can possibly be done with toxic waste is to transport it along this nation's highways. Most of the nation's highways are in bad shape. The repair of these miles of roads and bridges is another national emergency. Although many tax dollars are designated toward repair, very little progress is actually made, because it is an ongoing process. As one road gets fixed, another falls into disrepair. 3.1-2

Every winter frost heaves and mud slides add to the toll. On top of this, more and more cars are added to the numbers jamming our roadways. The road between Santa Fe and Albuquerque has just been finished, and already there are times when it needs two more lanes.

Especially critical to this issue, we believe that drinking and driving on New Mexico's highways has not been sufficiently cracked down on, and this poses an extra threat to the safe transportation of nuclear waste.

If it is really necessary to transport nuclear

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waste, then we believe a period of five years should be set aside to fix the nation's roads system so that it adequately meets standards necessary for safe toxic waste transportation, and during this five-year period a turnaround could be made in the area of drinking and driving. It seems to be a matter of priorities. Safety first.

Many truckers have learned about the big bucks offered them to haul hazardous materials. And that is how the drivers are chosen, not because of exemplary safety records, but because they stand to make a profit. This whole issue seems to center around this. Profit for the few over safety for the many. Not only does the contractor for the WIPP site make a bundle, but the carriers who receive the transportation contracts. 3.1-2

Garrey Carruthers is worried about the loss of income to New Mexico if WIPP isn't approved. We would like to remind him that New Mexico is fast becoming a tourist gold mine and that this income is spread out among a much wider base of the population, not just the few who have their finger in the pie. However, once we have a nuclear waste dump for the nation, we can expect many tourists will opt to go elsewhere. Can we really expect attendance at Carlsbad Caverns to go up? It seems that we may be cutting our own future short. 7.2-1

We firmly believe that each state should decide which form of available energy it wishes to utilize and then be 4.1-2

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responsible for storing and/or disposing of its own waste, under EPA standards, of course. With proper research and development and government support, New Mexico is in a position to choose solar energy and develop that. 4.1-2

We do not want to be the receptacle for the nation's nuclear waste. We think that at the present we are receiving as much toxic emissions as we can safely handle, just from Los Alamos in the north and the Manzanos and White Sands in the south. Due to our elevation, we already receive more natural radiation from the sun than any other part of the country.

We are aware that from the point of view of politicians and technocrats in Washington the desert southwest seems like the national solution to the waste disposal problem. We have long been on either a real or imaginary map as a national sacrificing area. However, there are many real people living here who have a right to life, liberty and the pursuit of clean water and air. There are many people who were either born here or who have settled here that put up with less than water energy resources in order to live in the land of enchantment. 3.1-2

In our community the electricity often goes on and off in storms, and during the rainy season our telephone sounds as though we are talking through an arroyo. We don't care. We are willing to put up with these inconveniences and more if we

can help sustain the earth.

And given a choice between nuclear power and other alternatives, we say develop our solar power and forget about the profits lost by not being able to charge people for use of the sun. Too much of this WIPP issue is linked to profits and corruption. Money should never be chosen over people's safety and what is morally right. We have the technology right here to try and come up with a real solution. Let's put Los Alamos to work on it.

The nuclear industry is young, and, if allowed the time necessary to research it and make it safe, could be a strong industry. However, if it is pushed through for quick profits and quick answers, then it will die under the weight of nuclear accidents and scandal.

We love New Mexico, and we will not accept it as a national sacrifice area. We understand that there is a national emergency over waste, all kinds. We are willing to do our part to help by taking care of our own waste, learning to recycle, et cetera. We think New Mexico could help the nation by dedicating the time and resources of Los Alamos Labs to research the problem and work on real permanent solutions. However, we cannot stand by and watch the nation stick its head in the sand by dumping nuclear waste in a hole in the ground in Carlsbad.

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Thank you.

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I don't know if anybody saw the picture of Bush in the paper today, but he's standing with his hands over his face, and I wish the caption under it would read "We made an awful mistake."

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MR. EIGUREN: Ladies and gentlemen, it's now 3:55 p.m. We'll be in recess for ten minutes, and we'll go back on the record at five minutes after 4:00.

(Proceedings in recess.)

MR. EIGUREN: Ladies and gentlemen, it's now 4:07, and we will now formally go back on the record.

This is a public hearing being held June 15th, 1989, Santa Fe, New Mexico. This is United States Department of Energy proceeding 0026-DS. The purpose of this hearing is to receive public comment regarding the Draft Supplemental Environmental Impact Statement prepared in relationship to the proposed operation of the department's Waste Isolation Pilot Plant located near Carlsbad, New Mexico.

As I mentioned earlier, my name is Roy Eiguren, I'm the hearings officer for this particular proceeding. As I mentioned earlier, I'm a lawyer in private practice. I've been hired solely for the purpose of conducting this hearing. I am not an advocate for or against the department's position. My sole purpose is to run the hearing.

Prior to our taking a recess we had gone through a list of approximately thirty-four commentors. There were a

number of individuals whose name I had called and got no response. I understand that several individuals whose name I called earlier are now here and ready and willing to testify, so we'll go ahead and take them.

I'd like to indicate that the rules of the proceeding at this point do provide that public officials, as well as the designated spokesmen for public interest groups, have ten minutes within which to comment on the record. We have a signaling light here at the podium where our commentors are giving their comments. At nine minutes the green light goes on, at ten minutes the red light goes on. We would request, given the large number of commentors at this hearing, that once the red light goes on you would quickly bring your comments to closure.

I'd also like to mention that the record of this proceeding treats equally, gives the same weight, the same consideration, to written as well as oral comment. So if you do have written comment, we would like to receive it here, I'd like to have you bring it forward, if you have it with you, and we'll mark it as an exhibit for the record and put it in the record of the proceeding.

At this time I would now call commentor number 35, Nancy Rodriguez, Chairman of the Santa Fe County Commission.

We welcome you, Commissioner.

I'd also like to note for the record that our

hearing panel for this session of our hearing is Mr. Tom Jones and Mr. Arlen Hunt from the Department of Energy.

Please proceed, Commissioner.

MS. RODRIGUEZ: Thank you very much. I am very pleased to be here. I'm happy for the opportunity, also.

I am here on behalf of the Santa Fe Board of County Commissioners and also on behalf of the thousands of people in Santa Fe County that have expressed concerns about the safe transportation of nuclear waste through our city, our county and through our state.

The Board of County Commissioners supports the comments of concern that have been made here today by our constituents. They all sound very legitimate. I don't mean to stand here and reiterate those comments, as I am sure you have heard them repeatedly. What I do need to do is stress that you take these concerns seriously and do something about it.

I understand you have held several meetings regarding these concerns, and that's very nice, very courteous and very much appreciated. But I also have to stress that these meetings are futile if you do not take this information and use it constructively, to return positive responses and results to these people.

There are over 600 people registered to speak on this matter, I understand. This is a pretty overwhelming number of people. This quantity tells me that the concerns are

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profound and warrant your utmost attention. 2.3.2-2

The Board of County Commissioners recently adopted a resolution urging the Department of Energy to take whatever measures necessary to, among other things, provide adequate, and I stress adequate, emergency response training and ultimately to provide for the safe transportation of this nuclear waste. 7.12.9-1 7.12.9-3 7.12.9-7

Before I conclude, I'd like to state that as I was coming in here I thought of one question that I would like to ask and hopefully you can respond. This has to do with our present volunteer system that I see in Santa Fe County so much stressed and strained to the very maximum. I rscently read in one of your latest statements that you people will, in fact, provide for some emergency response training.

Do you people plan to pay for people who are volunteering their time, or are you going to depend solely on volunteers to do so?

MR. EIGUREN: Commissioner, the rules of the proceeding don't provide for questions at this point. What we'll do in the avent that you're not here later, we will commit on the record that we will give you a written responae to your queation.

MS. RODRIGUEZ: That's fine. I appreciate that. Thank you very much for this opportunity.

MR. EIGUREN: Thank you.

MS. RODRIGUEZ: And I will submit the resolution, if I may, for the record.

MR. EIGUREN: Yas, pleaae.

MS. RODRIGUEZ: Thank you.

MR. EIGUREN: Exhibit 311 for the record in this proceeding will be the resolution of the Santa Fe County Board of County Commissionera, Resolution Number 1989-49.

(Exhibit 311 marked.)

MR. EIGUREN: Thank you, Commissioner. We appreciate your attendance.

I would next call Mary Lou Cook of the Santa Fe Community Peace Forum.

MS. COOK: Hello. I'm Mary Lou Cook, my addreae is 321 Calle Loma Norte, Santa Fe, 87501.

MR. EIGUREN: Thank you.

MS. COOK: I am trained as a calligrapher, a teacher, lecturer, educator, and I have served in numerous community organizations around the country as a bank director, as a commissioner of the State of Wisconsin, with the Peace Corps. I am not a scientist, but I am a concerned American who for some time has been deeply involved in the nuclear waste issue on the citizen level, working full time on the Steering Committee of Concerned Citizens for Nuclear Safety, for which I receive no money.

We muat deal with nuclear waste using common sense 3.1-8

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and human values. We must cooperate with one another in seeking solutions. There is no longer time for anything other than cooperation. The global crisis threatens the future of the planet. With the environment in grave danger, and the human species threatened with imminent distinction, we must become responsible caretakers on behalf of the Earth. Common sense must prevail.

Political expediancy must not influence decisions that affect thousands of generations. Just because $700 million have been spent in building WIPP does not mean it is the solution to our nuclear waste problem.

WIPP is -- WIPP is not inevitable. We need to look at the overview, we need to be ethical and use integrity, we need to listen to independent, reliable scientists as to grave dangers, and above all consider the future of our civilization. Sirs, the idea of geological burial is not the answer for nuclear waste in New Mexico or anywhere.

The SEIS report is incomplete in addressing the three alternatives. It does not address the vital subject of research into transportation or neutralization of nuclear waste. It seems logical that a task force the size and priority of the Manhattan Project be created immediately to deal with cooperative solutions for waste management on-site. This should include physicists, thinkers and inventors from all countries to be coordinated by the United Nations.

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We are told that it is safer to keep stockpiles of nuclear waste where it is for fifty to a hundred years than transporting it with possible spills. This gives time for research and testing, as well as the fact of keeping it aboveground, making possible monitoring of waste during these years.

I am distressed and disillusioned that a department of my government, which I have always trusted, is involved in dishonesty, duplicity, the poisoning of Americans and the destruction of our environment. I certainly do not wish to see the Department of Energy start yet another project to be handled in the same fashion.

I also protest the way these hearings have been held with broken promises and no apparent respect for those persons testifying. The 800 number has been out of order frequently the last few weeks. The blame is not all on your shoulders. The forty years of nuclear production have grown to crescendo, resulting in a huge military buildup based on competition, fear, gigantic defense contracts, greed and excessive government jobs, under the guise of national security.

In the rush of creating bombs, little thought was given to the management and dangers of nuclear waste. Now we and the entire world are faced with toxic stockpiles that threaten our air, water and ground for a life of 240,000 years.

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What are we to do with it? It is time to turn around the national confusion, apathy and attitude which allow this condition. It is time to address converaion. It is time to listen to one another and without blame look at the present situation and work together for a solution.

Civilization faces a momentous decision here in New Mexico. What will it be?

The CCNS and the Peace Forum stand ready to cooperate, to cooperate, to cooperate.

Thank you. 15-Jun-89: TS-00345, PAGE 4 OF 4

MR. EIGUREN: Thank you.

I underatand a commentor whose neme I called previously who was not here, Susan Morgan on behalf of Lighthawk, is here.

Susan, just a moment. I need to give an Exhibit Number for Mary Lou'a comments. 15-Jun-89: TS-00346, PAGE 1 OF 7

Exhibit Number 312 for the record of this proceeding will be tha written comments of Mary Lou Cook on behalf of Santa Fe Community Peace Forum.

(Exhibit 312 marked.)

MR. EIGUREN: Please proceed, ma'am. You have ten minutes for comment. At nine minutes a green light goes on, at ten minutes the red light.

MS. MORGAN: Thank you, air.

My name is Susan Morgan. I'm speaking today on

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behalf of Lighthawk, the Wings of Conaervation. Our address is Poat Office Box 8163, and it's 87504.

MR. EIGUREN: Thank you.

MS. MORGAN: And this is also in my statement.

MR. EIGUREN: Very good.

MS. MORGAN: On behalf of Lighthawk, the Wings of Conaervation, an international, Santa Fe-based environmental conservation organization, I wish to submit the following comments for inclusion in the public hearing record.

We are oppoaed to the further building of nuclear weapone in the United States today under the present conditiona. We see no need to continue to build weapona that destroy othera which at the aame time destroy ouraelves. We do not want the New Mexico WIPP aite to aerve as the receptacle for the nation'a nuclear wastes, whether on an experimental or on a permanent baaia.

We read the SEIS, and we do not believe it is in compliance with NEPA, which requirea that all of the impacta and all of the homework is done ahead of time. Reasonable alternativea are not addreaaed. Inaamuch as the '85 atandarda are no longer legal, WIPP must not open, if and when it ever does, until this facility is brought into compliance with the new and currently unfinished EPA standards.

We will clearly pay a deadly price if this project is put into place. The loss of health, property and economic

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stability are at stake for all citizens along the route. One accident or a threat of an accident will change our lives forever. Many of those of us who live close now to the proposed WIPP site are wondering, really against our will, how and if we should relocate. None of us want our children and our grandchildren to suffer from this ill-conceived and unsafe project.

Some of my family lives in the Denver area right adjacent to the Rocky Flats area that was just affected. My husband's older daughter just gave birth a few months ago to our first grandchild, and she has been, unfortunately, working and drinking the water in Broomfield. And any of those of you who have children or family who are affected perhaps understand how that piece of information feels in the pit of your stomach.

A good look at the road expansion near Abiquiu brought the reality of this threat home to me as much as that information just did. There is a near certainty of disaster somewhere along the way because of the many unknowns and the many unsafe procedures which are defined in the SEIS.

And I know that you've sat and listened to this summary of statement many, many times and probably know it by heart, but we really do want to go on record today, and so I wish to make a quick summary.

WIPP cannot remain in compliance with the Resource Conservation and Recovery Act while attempting to receive a no

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migration variance. This allows the receipt of containers without knowing their contents. We won't know what we're getting.

Lighthawk is concerned about the impact on groundwater, land areas and soils. The Pecos River is only fifteen miles from the site and is fed by the same aquifers. And although flow rates and directions are as yet undetermined, the SEIS assures us there will be no significant problems. Many unknowns exist, including brine seepage into the repository, gas generation rates of waste materials and room and shaft closures, among many other things. Both possible release examples of radionuclides cited in the SEIS exceed EPA standards.

It is admitted that surface facilities will become contaminated during routine operations, let alone if there's an accident. But the SEIS doesn't explain how this will be handled at the conclusion of the twenty-five-year operational period.

The site itself is unsuitable, and the SEIS justifications are vague and unsubstantiated. Gas generation, extent of fracture zones, Castile formation, the Salado formation, flow directions and rate, karats, salt dissolution, salt creep, waste retrieval and many other elements are variables which make the WIPP site a deadly area of so-called containment.

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Transportation of waste materials is not adequately substantiated in the SEIS. The TRUPACT container has a number of flaws. We've all talked about them today. It's not certified and releases radiation. RADTRAN is seriously outdated. Much of the waste is to be transported by truck on our dangerous highways and city streets. There is no provision for emergency response yet. Evacuation plans as yet do not exist. 7.3.1-2 7.3.2.1-5 7.12.9-8

Vague statements, unspecified results and data which is selected to support its statements but which is not necessary, complete or accurate, and accident explanations of what is likely to happen are included in this document which is supposed to describe the processes and answer detailed questions. 2.3.1-2 3.1-2

The recent news has reminded us of the burden of history on various other nuclear facilities. Recently we've heard a lot of Hanford, Savannah River, Rocky Flats especially, and the problems of accidental and covered up irregularities. 3.1-8 3.2-1

Plutonium is the most toxic substance known and so nonchalantly referred to within a 10,000-year containment period when the actual life of plutonium is much, much more, about 240,000 years, I believe. Human error, the Exxon Valdez factor, is not mentioned in these SEIS considerations. 7.3.5-1 7.3.5.4-3 7.13.1-8 7.13.3-1

After we read this thing it sounded to us as if the DOE was planning to transport thousands of truckloads of 7.3.3-1

TS-00346, Page 6

nuclear waste and containers which admittedly emit radiation and which haven't passed important stress testing on two- and four-lane roads and highways through populated areas right along with other traffic, which includes many other things, but just a few things to mention would be large gasoline trucks and people who have just driven out of a drive-in liquor store. I live and work within two blocks of St. Francis and hear the sounds and hear the traffic and hear the sirens. 7.3.1-2 7.3.1.1-2 7.3.3-1 7.7-1

Then the DOE was planning to place these highly toxic wastes into a site which is geologically unsuitable to actually contain the materials, and so they will probably spread into the groundwater and soils and the air. In the event of an accident the medical community is not prepared to respond in this special condition. 7.7-4 7.14-9 7.12.9-2 7.12.9-4 7.12.9-7

Since there are no evacuation plans, I guess all of us who are able will have to leave. It doesn't look real good. It is apparent that the Department of Energy is not treating those of us who were involved all along the route with any respect at all. DOE is not making any attempt to protect us from loss of health, economic stability or, at the very least, quality of life. 3.1-2 3.1-8

DOE is certainly not attempting to protect the few hundred people it proposes to employ from contamination. One wrong move and drastic and tragic catastrophe will replace the once beautiful country and people in this area.

In conclusion, I ask that other safe solutions be sought in disposal of existing nuclear wastes and that the entire weapon building industry be required to meet responsible, sensible and safe guidelines for any future developments. 15-Jun-89: TS-00346, PAGE 7 OF 7

Thank you.

MR. EIGUREN: Thank you.

I would next call Cathy Caron, followed by Melinda Katt.

Cathy Caron?

Cathy represents the Concerned Citizens for Environmental Safety.

Can we have your mailing address for the record, please? 15-Jun-89: TS-00347, PAGE 1 OF 3

MS. CARON: It's 2255 Calle Cuesta, Santa Fe, New Mexico, 87505.

MR. EIGUREN: Thank you.

MS. CARON: I'm not a professional speaker. I'm a concerned mother and citizen representing my family and neighbors.

I think it is morally wrong to create materials so toxic and destructive to nature and the environment that it cannot be disposed of safely. I don't want nuclear trash traveling down the main highways of Santa Fe just a short distance from my home. There is always room for human error,

1-3

7.3.5.1-12

and I don't believe there are qualified people or equipment to handle any type of accident.

The facility at Carlsbad has not passed all testing qualifications. And why chance a five-year test period when some of the storage rooms are already showing signs of stress and cracking? What would happen if our water table became contaminated? That damage is irreversible. It's forever.

I don't trust that the federal government will meet all safety standards. There is always too many secrets that are kept from the public. Our Earth, environment and its people are all one and the same. It's a very delicate balance that you try to control, manipulate and use for your own purposes.

You have to understand -- you have to understand that what happens here with WIPP and nuclear waste will not only affect our generation but many generations of the future. I am concerned for the future of our children. They deserve to breathe nontoxic air, eat chemical-free foods and drink clean, uncontaminated water.

It's hard for me to touch on all the aspects of the WIPP issue, but as history will tell us, with many government programs such as this accidents do happen, and most are not brought to the attention of the public. They are kept a secret. 15-Jun-89: TS-00347, PAGE 2 OF 3

7.12.9-1
7.12.9-5

3.1-2

3.2-1

We need to work together to stop this destructive use of our natural resources and become more conscious of our vast changing environment.

Thank you.

MR. EIGUREN: Thank you.

The next commentor is Melinda Kassen with the Environmental Defense Fund.

Before you begin, Melinda, we have a couple of exhibits for the record.

The written comments of Jerry Simon Chasen on behalf of Casa Las Barrancas, Incorporated, will be Exhibit 313 for the record of this proceeding.

The written comments of Susan Morgan will be included as Exhibit Number 314 for the record of this proceeding.

(Exhibits 313 and 314 marked.)

MR. EIGUREN: Please proceed.

MS. KASSEN: My name is Melinda Kassen. I'm a senior attorney with the Environmental Defense Fund in the Rocky Mountain Office in Boulder, Colorado.

EDF has 100,000 members nationwide, including about 700 in New Mexico. Having given DOE some of EDF's technical comments at the Denver hearing last week, I intend today to focus on what I have come to believe in the three years I've worked on WIPP to be DOE's conscious attempts to

3.1-3

avoid having to comply with the laws protecting public health, safety and the environment at WIPP.

3.1-2

Look first at the EPA standards. EPA adopted those standards in 1985. DOE has known at least since then that it would have to show WIPP compliad. EEG's Chaturvedi told DOE to start modeling at that time. Did DOE do so? No. Even today DOE has yet to start the work it must do to show compliance with the EPA standards. If DOE had started in 1985 or 1986, maybe we'd have some idea now whether the $770 million hole in the ground could do the job it was built for. Why hasn't DOE started yet?

Look next at RCRA land ban. Mixed waste finally became subject to RCRA in 1986, although EPA has been on record for years saying that radioactive toxic waste should be regulated under our nation's hazardous waste law. So in 1986, when it finally happened, all DOE needed to do was read the law, as if they hadn't before, to see that they could never get a RCRA permit at WIPP and would have to seek a no-migration variance from EPA.

3.1-3
3.7-2
3.7-4

Did DOE apply for that variance? Not then. In April, 1988, DOE circulated a RCRA compliance strategy. But did they file their no-migration petition than? No, not until February. And that petition is about to be returned to DOE by EPA as insufficient, and DOE will have to start over. Yet at the same time Secretary Watkins is blaming the delay in WIPP's

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opening on EPA's taking too long to evaluate the petition. Why didn't DOE act sooner?

Then look at NEPA compliance. Folks began telling DOE that enough new information had surfaced and WIPP had been changed enough that a supplement to the 1980 Final EIS would be necessary. They started saying that as long ago as 1983. In December, 1987, EDF informed DOE that not producing the supplement would trigger litigation. It took DOE another year from that point, until December, 1988, to concede that supplement was in fact necessary.

By then, given DOE's target opening date of September, 1989, it was too late to do a thorough, in-depth, meaningful supplement or to provide an adequate public review and comment period. The extra twenty days you have added for public comment is only a start. Why can't DOE comply with its spirit as well as the letter of NEPA?

Look at the Idaho embargo. Last fall Governor Andrus of Idaho signaled for the first time an embargo on waste shipments to INEL from Rocky Flats, an illegal move in which DOE nonetheless immediately acquiesced. Since INEL is the only facility grandfathered under RCRA to receive mixed TRU waste from Rocky Flats, sending the waste elsewhere temporarily while DOE tries to show that WIPP is safe will require DOE to obtain a temporary storage permit under RCRA. Getting such a permit takes six months.

3.7-2

2.3.2-1
2.3.2-2

3.1-3
3.1-4
3.7-1

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As a member of the Rocky Flats Environmental Monitoring Council, I asked DOE last December when they intended to apply for such a permit. I got no answer. Nor did DOE have an answer when I asked again at the Denver SEIS hearings last week. Now, eight months after Andrus first acted and six months since he said he's going to shut the border again next September, DOE still has not applied for a RCRA permit for an interim storage site. Why not?

Having been EDF's lead attorney on WIPP for the last three years, and having become a cynic about the time I finished my first week of law school, I think I know why DOE has failed to act. DOE long ago determined that having a waste storage crisis would be good. Only with a crisis could DOE convince Congress that WIPP must be given waivers from the only environmental laws which apply at the site so that it could open.

Only if there was a crisis could DOE tell Congress that there might be a, quote, unquote, dangerous disruption in US nuclear weapons production, an oxymoron in my personal opinion. Only with a crisis could DOE hope to convince Congress that DOE's first new facility in the weapons production complex during the era of environmental regulation should not have to be shown to be in compliance before starting operations and contaminating yet another site.

The achievement of DOE's goal, which is to avoid

3.1-3
3.1-4
3.7-1

TS-00348, Page 5

compliance with environmental and health laws, by DOE's creation of a waste storage crisis, by its continually having refused to initiate environmental compliance in a timely manner, is not only not good government, it's the worst type of government. DOE's Machiavellian ploy to create a crisis is also not consistent with the new leaf rhetoric of Admiral Watkins' administration in Washington. It is merely consistent with DOE's past practices. 3.1-4 3.1-8

Look not just at Hanford and Savannah River, but look closely at Rocky Flats, where there is a criminal investigation of environmental noncompliance, not just at the plant, but also at DOE's Albuquerque office, the same office that oversees the WIPP.

In the Rocky Flats --

MR. EIGUREN: Could we have someone in the control room turn down the mike a bit? We've got a feedback problem.

MS. KASSEN: In the Rocky Flats affidavit, paragraph 5.45, the FBI affiant describes the November 13, 1987, memorandum from Raymond Romatowski, then manager of DOE's Albuquerque office. He advised the acting assistant Secretary for Defense Programs that DOE should resist the efforts of environmental and public health authorities trying to clean up Rocky Flats and other DOE facilities and suggested that DOE send the message to EPA that DOE and its contractors are willing to go to the mat in opposing environmental action at 3.2-1

TS-00348, Page 6

DOE facilities.

DOE is always so proud of its technology. DOE appears to be approaching getting WIPP open in September as a challenge, to prove its technologic competence. What would be wrong instead with making WIPP compliance to public health, safety and environmental laws DOE's goal or challenge? Why doesn't DOE admit that WIPP isn't ready? Why doesn't DOE work out an interim aboveground, RCRA-permitted facility while we see if DOE can achieve a truly noteworthy and precedent-setting goal, opening the first DOE facility ever to comply with all relevant health, safety and environmental standards? 1-3 3.1-10 3.2-1

What would be the harm in showing that your self-proclaimed world class facility is not just built of smoke, mirrors and public relations, but that it can survive an outside independent agency's assessment of its suitability for nuclear waste storage? Why can't DOE try that path? Why does it have to be so damn hard for this federal agency to embrace the protection of the environment and public safety?

Thank you.

MR. EIGUREN: Thank you.

The written comments of Melinda Kassen on behalf of Environmental Defense Fund will be included as Exhibit Number 315 for the written record.

(Exhibit 315 marked.)

MR. EIGUREN: I would next call on Catherina

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Pettus, followed by Sheena Cameron.

Catherine Pettus?

Sheena Cameron? Sheena Cameron?

I would note, ladies and gentlemen, for the record that I'm calling these names a little bit early. We're slightly ahead of schedule. So it may be these folks will be coming a bit later.

Nib Sabin? Nib Sabin?

Scott Pittman? Scott Pittman?

Jeanine Kithil? Jeanine Kithil?

That concludes the list for the afternoon session. I'm told there are a number of individuals who preregistered for the night that are here. Let me go down to the evening preregistered list and see if there's anyone here at this time.

Nancy Kleinbord? Nancy Kleinbord?

She's here.

Thank you.

Nancy represents the Santa Fe Clergy and Laity Council.

MS. KLEINBORD: I represent the Santa Fe Clergy and Laity Concerned, not council.

MR. EIGUREN: I'm sorry.

MS. KLEINBORD: Okay. And my name is Nancy Kleinbord, I live at 1526 Cochiti Street, Santa Fe, 87501.

MR. EIGUREN: Thank you.

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MS. KLEINBORD: First let me say that dividing speakers at this hearing into different rooms is another government tactic to divide the opposition. I guess -- that this was written before we knew that some of us were going to speak here, but I still say that it stands for any attempt at a later time this evening and tomorrow to divide the groups into different rooms. 8-7

The United States Government in its mad pursuit of ever-more powerful nuclear weapons has poisoned the citizens of too many states already. Soldiers and residents of Nevada were among the first victims when the government exploded test bombs aboveground shortly after World War II.

More recently, radioactive waste --

MR. EIGUREN: Nancy, excuse me just a moment. We've got a feedback here again. I'm sorry.

Is there someone in the control room that could turn down the mike? 3.2-1

UNIDENTIFIED SPEAKER: Human error.

MR. EIGUREN: Human error, that's correct.

I'm sorry, Nancy. Just a second here.

UNIDENTIFIED SPEAKER: It's not funny.

MR. EIGUREN: I know it's not funny. I'm trying to do something about it. I'll have to turn my mike down, so --

MS. KLEINBORD: Okay. More recently, radioactive

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wastes have been released into the air and water from nuclear weapons plants in Ohio, South Carolina and Colorado. And now what about Los Alamos? And what about the Rio Puerco, where there was a mine that released a lot of uranium tailings into the waters that go from New Mexico all the way into Arizona? No one raised an eyebrow when that happened, which was -- what? About five or six years ago. 3.2-1

New Mexico's Governor Garrey Carruthers wants our state to be next on the list. Businesses that have opposed the Waste Isolation Pilot Plant, WIPP, shouldn't get discretionary state contracts, he says. 9-7

The Clergy and Laity Concerned of Santa Fe protests the poisoning of our citizens by our governor. We in New Mexico know what will happen to the salt beds near Carlsbad. First the government will cover up the radioactive wastes, and then the government as the years go by will try to cover up the fact that the burial plan didn't really work so well after all. 3.2-1

So we say to the United States Government, we won't be your dumping ground, we won't wait -- we won't wait for the first barrel of radioactive waste to fall off the first truck on the way to WIPP. We have had enough.

And to Governor Carruthers and his plan to take away our rights of freedom of speech, we say, sorry, Guv, you're not going to WIPP us into line on this one. 9-7

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I would like to add some comments of my own to this statement from the organization I represent. And those statements are I am sick and tired of being lied to by the federal government, with all the cover-ups that some of which leak out ten or fifteen or twenty years after the fact. I am sick and tired of Governor Garrey Carruthers doing his manipulative best to help industry and business and leave the citizens of the state in the lurch. 9-8

And I think it is time that the people of Santa Fe, not just those of us who come to these hearings, get together and do something about what's going on in the federal bureaucracy and in the state bureaucracy.

And the other thing that I feel very strongly is that they are telling a lot of lies about those of us who come here today and tomorrow and say that we're hippies, or whatever they call us. I'm not putting hippies down, but what I mean is that they're trying to say that it's only a certain kind of people that will come to these hearings. It is not a certain kind of people. I have sat here all day today, and I have seen all different kinds of people come out to speak, and I think it is imperative that we get more people from the Santa Fe County to come and participate with us in fighting for the lives of our families and our friends and New Mexico, where we live. 3.2-1 7.2-29

And, lastly, I want to say that the federal government in my mind should be indicted for murder. What we

are not allowed to use here in the way of chemicals we are transporting to all the Third World countries, and the people in the Third World countries are dying because of money-makers in the United States. And it is time that we put a stop to this.

MR. EIGUREN: It appears as though it's one of the other mikes that's got some feedback.

UNIDENTIFIED SPEAKER: This one that's just lying here needs to be taped and held.

Whose mike is this?

MR. EIGUREN: Could someone help her tape that?

UNIDENTIFIED SPEAKER: Whose mike is this?

MR. EIGUREN: Let's go at ease for just a moment.

(Discussion off the record.)

MR. EIGUREN: Go back on the record now very briefly.

What I'll do is just go ahead and call the rest of the names on our preragistered commentors list. In the event that any of these people are here, we'd ask them to step over to the front to present their testimony at this point.

Francine Allen, Megan Hill, Bill McDonnell, Dr. J. Gould, Dr. Ernest Sternglass, Joe Connolly, Jean Bergeron and John Puckett.

MR. MC DONNELL: Are we ready?

MR. EIGUREN: I think we're ready.

3.2-1

MR. MC DONNELL: Is this working?

MR. EIGUREN: Yes. Give your name and address for the record, air.

MR. MC DONNELL: My name is William McDonnell. You want my address, I guess? Mailing address?

MR. EIGUREN: Please.

MR. MC DONNELL: Could you turn this down a little bit?

MR. EIGUREN: Yes.

Could we have the control room turn down the podium mike?

MR. MC DONNELL: How's that? Is that better?

MR. EIGUREN: That's fine. We're not getting any feedback.

MR. MC DONNELL My address is PO Box 328, Pine Ieland, Newark, 10969.

And I'm a research analyst at Public Data Access, a New York-based consulting firm that uses large environmental and health data bases to analyze environmental impacts. I've had extensive experience in the field of radioactive waste, have been a consultant to Radioactive Waste Management Associates and to the Radioactive Waste Campaign where I co-authored the book Deadly Defense.

I'm here today to give testimony on behalf of Public Data Access in regards to the WIPP facility. Given the

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extent to which the assumptions made in the Final Environmental Impact Statement regarding the Waste Isolation Pilot Plant have proven inaccurate, it is surprising that the DOE is even attempting to salvage the possibility of the WIPP facility at this site.

In fact, it must be noted that almost ten years after the 1980 FEIS the DOE is still not actually proposing the opening of the site but instead is calling the opening a test period. We are not to be deceived, however. The placing of up to 10 percent of the intended TRU waste -- that is over half a million cubic feet of highly radioactive waste -- is still, whatever you call it, the emplacement of the waste.

It is amazing to me that the Department of Energy suggests that after this waste is placed there that it will be evaluated "to assess the ability of WIPP to meet regulatory requirements for the long-term protection of the environment." That's from page 1-6 in the SEIS.

In effect, the DOE is saying let us ignore all environmental regulations, go ahead with our plan, and then see if there are any problems. Such an approach is clearly in violation of most regulations requiring assessment and establishment of safe storage before emplacement.

Yet the DOE even admits that the purpose of the SEIS is not to demonstrate compliance with regulatory requirements, page S-3. A telling admission given the National

2.1-1
2.3.1-2
3.1-2
5.1.1-1

2.3.1-2
3.1-2
3.7-5
5.1.1-1

3.7-5

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Environmental Policy Act, NEPA, requirement which requires the DOE to prepare a detailed statement of its proposed environmental impacts.

Let us now look at some of the specifics regarding the siting of TRU waste at the WIPP facility.

Gases will build up much more quickly in the storage vaults than was expected when the site was chosen.

Moisture content and brine inflow is also substantially higher than previously predicted.

Salt creeps have been in place faster than expected. Storage rooms may collapse, or at least be too dangerous to work in, thus preventing retrieving the waste, one of the original conditions storing the waste at the facility. Cracks have developed in some of the storage rooms, a fact that the DOE neglected to mention in the SEIS.

Additionally, the radioactive curie content is much higher than that presented in the FEIS ten years ago.

And, furthermore, the DOE is now under RCRA regulations regarding the mixed TRU waste siting at the WIPP facility.

Given all these changes from the original situation when the site was chosen, there are certainly many reasons to conclude that the site is unfit, and specifically unfit in that the radioactive waste will eventually escape the WIPP facility, threatening the public health and environment.

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5.1.1-1

3.1-2

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Let us list a few ways of release.

The SEIS admits that there will be routine airborne releases. Filter failures present another release potential. Accidents en route and at the facility present still more airborne release possibilities. 7.13.2-1

Other release mechanisms exist once the waste is placed underground. The original FEIS mis-estimated the possible gas permeability in the WIPP by 1,000. See 5-107 in the SEIS. The buildup of gases that is now expected to take place as a result of less permeability may present serious containment problems when coupled with the increased brine inflow, also not predicted when the facility was first proposed. 7.8.1-8 7.8.5-2

The combination of gas buildup and brine inflow may lead to various mechanisms whereby the radioactive hazardous wastes are released into the outer environment. For example, through boreholes or through aquifer contamination. Placing the waste in salt is simply a bad idea. The salt is readily soluble in water, the containers will corrode quickly because of the salt brine, gases will build up, a radioactive corrosive slurry will result with who knows what possible result. 7.7.2-4 7.7.2-6 7.8.5-1 7.8.5-2 7.8.6-1 7.14-6 7.14-9

Furthermore, the SEIS has no evaluation of possible climatic change, a factor that can definitely lead to escalation of radioactive releases. 7.14-13

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Note, also, that in all of DOE's Case II intrusion scenarios, radioactive material is brought to the surface immediately.

Given all these possibilities of release of radioactivity into the environment, it is extremely relevant that standards are used to estimate the possible health effects of such releases that are accurate. 7.3.5.4-3 7.13-5 7.13-8 7.14-10

Dr. Gould, in other testimony at this hearing, will point out that the current radiation risk assessments used by the Department of Energy in their SEIS may be 1,000 times too low. In particular, his studies have increased mortality after the Chernobyl accident underscore the necessity of basing health risk assessments on actual protracted internal exposure to low doses of radiation rather than extrapolate, as BEIR III and the DOE does, from external high-level radiation doses.

Dr. Sternglass, another testifier at this hearing, will explain a likely mechanism to account for the increased mortality found associated with protracted low-level internal radiation exposure, the Petkau Effect. The DOE ignores this mechanism and instead uses existing EPA radiation standards that are grossly inadequate to protect the health of the workers and the public from low levels of injested or inhaled radioactive substances. 7.3.5.4-3 7.13.1-7 7.13.1-10 7.14-10

Dr. Sternglass also points out that the EPA standards are currently under review and that at the very least

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the SEIS process ought to wait until the new standards are developed and examined.

At Public Data Access our findings agree with the testimony of Drs. Gould and Sterngless. Using massive data bases to compare radioactive releases with infant mortality, mortality and births, we find marked discrepancies apparently associated with exposures to radiation from Chernobyl, Three Mile Island, from the Department of Energy Savannah River facility and from exposure downwind of commercial nuclear reactors.

Our findings reenforce the findings of Dr. Gould and Dr. Sterngless that environmental radiation is a far greater threat to human health than is presently acknowledged. There's a pressing need to reexamine the public health impact of alpha- and beta-emitting, internally ingested radiation. It is folly to site radioactive waste until an impartial reevaluation of such health effects has taken place.

There is one other comment I would like to make regarding the siting of transuranic waste to the WIPP facility.

The TRU mixed waste is subject to RCRA requirements. RCRA requires a detailed chemical and physical analysis of a representative sample of the waste. Yet the waste has not been analyzed. In fact, the SEIS argues that the old TRU waste ought not be analyzed, because such a process would generate substantial amounts of additional waste and be

7.3.5.4-3
7.13.1-7
7.13.1-10
7.14-10

3.7-1
7.9.3-1
7.9.3-3

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dangerous to the workers. See page 10-6 in the SEIS.

Furthermore, the DOE is trying to get a variance so it will not be subject to EPA land disposal restrictions for hazardous waste disposal.

It is particularly disturbing that the Department of Energy is attempting to get a variance to place hazardous radioactive wastes that are unsafe into the WIPP repository. Such an attitude explains the skepticism that many have for the motivations of the DOE. It is difficult to understand how the DOE can expect to characterize the placing of hazardous radioactive waste in the repository when it does not even know what the wastes are.

Surely the possible chemical reactions with the brine are of some interest to someone within the DOE that is concerned about the next 10,000 or the next 100,000 years. I know of no landfill where it is still permissible to dump drums of material when no one knows what is contained in the drums. Yet this is precisely what the DOE is suggesting that it will do with its mixed TRU waste.

There are many other omissions, errors and miscalculations in the Department of Energy's Supplementary Environmental Impact Statement concerning the Waste Isolation Pilot Plant, but this attempt to site unknown waste seems to us one of the worst.

We emphatically recommend to the Department of

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3.7-2
7.12.3-7

7.9.3-1
7.9.3-3

2.3.1-2

1-2

Energy that it begin to look at the actual health risks of its proposed future actions and select a no action alternative rather than continue to spend money on an ill-conceived plan that can only in the future add one more DOE site to its long list of those that pollute the environment and endanger the public health. 1-2

Thank you. 15-Jun-89: TS-00350, PAGE 8 OF 8

MR. EIGUREN: Thank you.

The written comments of William McDonnall on behalf of Public Data Access will be included in the record as Exhibit Number 316.

(Exhibit 316 marked.)

MR. EIGUREN: Keep moving down our list, Dr. J. Gould.

Dr. Ernest Sternglass?

Joe Connolly?

Is this Mr. Connolly?

MR. CONNOLLY: Yes.

MR. EIGUREN: Sir, you represent the Rain Forest Information Center? 15-Jun-89: TS-00351, PAGE 1 OF 7

MR. CONNOLLY: Yes, I do.

MR. EIGUREN: Yes, sir. You may proceed.

MR. CONNOLLY: I'm speaking -- excuse me. I'm speaking for the Rain Forest Information Center of Australia. A John Seed was supposed to be talking here this evening, and

he asked me to talk in his place. I'm not familiar with public speaking.

I'm going to be kind of separating my talk into three separate sections. One is something on a personal note.

I'm an EMT, which is emergency medical technician, of New Mexico. Okay. I am also nationally licensed for the -- for the United States.

Emergency medical technicians will be coming out to any accidents, and the problem that I have with that is that there has really been improper training. I have questions as to the equipment that we will be using, how will it be supplied. From what I understand, the only thing we're going to be supplied are paper smocks.

I have here an EMS Roundup, Ninth Annual EMS Conference, from the State of New Mexico, which I would like to put into evidence. Okay? 7.12.9-1 7.12.9-2 7.12.9-7

There is nothing in here that states about hazardous material or radioactive waste. Okay? There is stuff in here that's search and rescue, there is something in here for Amtrak. There's an accident with Amtrak, but nothing from DOE to come to our state to say, hey, how are we going to protect these people. Okay?

This is an EMS, which means it's for the whole State of New Mexico, where EMT basics, EMT paramedics, all the emergency medical technicians that come in on ambulances to the

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emergency site, accident sites, will receive information. But yet there's nothing in there from WIPP or anything like that.

My second thing is the political aspects of it, political aspects being we look at this waste, WIPP, I should say, okay -- we look at all the waste materials that are coming down through the states to New Mexico. They're coming from some places such as Hanford, Savannah, Rocky Flats. And these have all had problems of the government hiding things. Some of it has just come to light, such as the burning of waste in the Rocky Flats area, the dumping of water.

Okay. We've had Three Mile Island. We also have the fact that the government seems to be telling us stuff, but it's -- boy, I'm really lost. I'm sorry.

It seems to be telling us stuff that we receive other information -- or they're not telling us stuff, and we receive information that they're doing things, such as the hidden -- excuse me -- the hidden and -- I'm trying to think of the proper word -- the overt, I guess, and kind of hidden things that they're doing, such as -- boy -- such as the Rocky Flats.

I guess the thing I should talk about is the thing that I'm more familiar with, which is the environment. Okay?

It scares me when I work as a person in a pump service, which means dealing with the water. Coming to New Mexico I never realized how important the water was. I see

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things in the WIPP site that there's water seepage. If there's water seepage, it also means there's water leaving the area. If there's water leaving the area, the only possibility that I have it's going into the watershed.

Okay. We have the Pecos River, which flows through west Texas. I've gone through west Texas on canoe along the Pecos River. Okay? Around McCamey and Melvin, okay, the water is very briny. Where does this briny water come from? I would suggest it comes from above the site where it's at. One of the sites that is above there is the WIPP site. Okay? All this water comes into a watershed. It goes into the Rio Grande River.

The Rio Grande River flows along the coast -- excuse me. Not the coast. It goes down to the coast into the Gulf of Mexico. But along there are numerous towns, cities and another country. Okay. We're also talking about Mexico. We're not only talking about the United States. We're talking about water that goes through Laredo, Hempstaad, which is a major reservoir, Del Rio. We're talking about McAllen, Brownsville, and then into the Gulf of Mexico.

The Gulf of Mexico is also the water and -- also it is the home of a lot of food that people eat. This food is shrimp. A lot of people eat the shrimp, the fish. Okay? But the thing about it is the gulf current also goes into the Atlantic Ocean. This Atlantic Ocean then circulates around.

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It goes up to the North Sea. Okay? 7.14-9

This whole thing, you know -- because we get into all these what if's. It could create major catastrophies. And we're not talking about right now. We're not talking about in ten years. We're talking about people that have -- we've got people here that are probably over sixty, we've got people here that are over forty, people here that are over thirty, over twenty. We also have some people that are with child. Okay? 3.1-2

And what we need to be looking at is the fact that we are going to have future generations, and these future generations are to be looked upon. We're not going to see them in our lifetime probably. Okay? But we need to be looking further and further along. And to say, hey, we want everything safe. We do not want the pollution of this radioactive waste to be possibly infecting our environment.

I look at this Earth as our mother. Okay? Would you poison your mother? I don't think so. Okay. This is our world. This planet nurtures us. It gives us our air, it gives us our water, it gives us the land for our food to grow on. What are we doing? We're digging a big old hole and saying, here, eat this. I'm not for that. I don't think anybody here is for that. 1-2

I've been here relatively all day, and I've seen nine people from the DOE. You know, I've been joking to myself, I'm wearing a T-shirt that says "Our Move." And I've 9-1

been kind of laughing, because I see you guys up there, and some of you smirk and stuff like that, and I see you writing occasionally. And I envision you playing ticktacktoe. Well, that's the back of my shirt. It's a ticktacktoe sign. It has the picture of the earth as the circles, and it has bombs as the X's. And I wonder whether you men are of conscience, whether you actually think of bombs and earth. And I envision some of you actually putting X's in that one little square that's left.

But I again believe that the people here, the majority of the people, which has been shown by the amount of people who have been speaking against WIPP, to the two people I've heard all day that have been pro WIPP, would put the planet Earth in that square. 9-1

I really sometimes wish that I could look into your minds and see how you folks think. Because I know you have families, I know you have to think about what people are saying. You're not robots. At least I hope not. What do you expect for your future generations? I'm not talking about your son, your grandson, or your grandchild. I'm talking about years and years down the line, thousands of years down the line, of somebody who is going to be carrying your genes and hopefully, quote, unquote, they won't be mutated genes because of your decisions today and now.

I'm not a real fluent speaker, but I do believe in

the right to be talking about what's going on. We see too much of people that just kind of kick back and relax and say, ah, someone else will take care of it. We have numerous organizations here that have been talking against it, and each one of these organizations have numerous members. You need to start looking at these organizations and looking at the members and seeing there are people out there that do not want this.

Again, I see WIPP opening up supposedly in three months, and I see no emergency medical systems that are in place. I don't know how you're going to train people to respond in a three-month time to an accident if you start hauling this radioactive waste down to WIPP.

Again, thank you very much.

MR. EIGUREN: Thank you.

DR. MARCH: I would like to speak for Dr. Gould. He hasn't shown up by now, and I have his oral comments, if I could deliver them.

MR. EIGUREN: That would be fine.

You're Dr. March?

DR. MARCH: Yes. Thank you. March, and not Marsh.

MR. EIGUREN: March? I'm sorry.

DR. MARCH: Yeah.

MR. EIGUREN: Please proceed, sir.

DR. MARCH: Dr. Gould is the director of the

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Radiation and Public Health Project, and his address is Suite 134, 163 Third Avenue, New York, New York, 10003.

The title of his oral comment is The Health Effects of the WIPP Waste Repository.

The proposed action of the Final Environmental Impact Statement for the Waste Isolation Pilot Plant greatly underestimates, by a factor of 1,000 or more, the radiological risk to the public of both the operation of truck and rail transport of the waste to the WIPP facility and the operation of the WIPP facility in the testing phase, both before and after filing final emplacement of radioactive waste.

The purpose of my testimony today is to show that there are many indications that the current radiation standards are inaccurate and inadequate as guidelines for the safe siting of TRU waste, TRU and mixed waste. The Waste Isolation Pilot Plant FEIS radiological risk estimates focus only on carcinogenic risks and ignores the far greater risks from the possible release into the atmosphere and water supplies of long-lived radionuclides.

These radionuclides, once ingested, attack the immune system and accelerate deaths from a wide range of illnesses. I shall review recent statistical and biochemical laboratory studies which reveal the actual dangers from ingested radioactive particles and demonstrate that the current standards used by the Department of Energy are woefully

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understated.

Professor Sterngless, who will speak in a separate statement, has reviewed in some detail the biochemical mechanism by which Strontium-90 and many of the transuranics, products of reprocessing and fabrication operations of DOE facilities, do biological damage after entering the food chain. Once ingested, the radionuclides become heavily concentrated in certain organs such as the bone marrow, where the blood cells that make up our immune systems are originated.

As many researchers have established in the past twenty years, in particular Dr. Abram Petkau, and I mentioned before, of the Canadian Atomic Energy Commission, constant emissions at extremely low radiation levels from ingested radionuclei promote the formation of free radicals. These free radicals then most efficiently are drawn to blood cells and penetrate and destroy them. At higher levels of radiation the larger number of free radicals tend to negate each other so that this process is perversely most efficient at low radiation levels.

These findings of Dr. Petkau support the position that there is no safe lower limit of exposure to radioactivity. Even the smallest releases of long-lived radionuclei from the treatment and storage operations at the WIPP site present some possibility of affecting human health. It would be far better at present to keep all radioactive wastes in place where they

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are until the DOE more fully comprehends the actual health risks involved and can then accurately estimate health and environmental risks.

Furthermore, there is substantial evidence to show that all large-scale radioactive releases since the invention of nuclear technology have been associated with immediate excess mortality effects which cannot be attributed to chance alone.

The Radiation and Public Health Project has performed analyses of official US mortality data going back to 1945 and has found massive evidence of excessive mortality associated with a number of major nuclear releases.

One, atmospheric bomb testing.

Two, the Savannah River accident of 1970, only recently revealed after nearly two decades of concealment.

Three, accidental releases from the Millstone, Connecticut, reactor in 1975.

Four, the Three Mile Island releases of 1979 and 1980.

Five, recurrent recent releases from Pilgrim, Massechusetts, and Peach Bottom, Pennsylvania, reactors.

But by far the most revealing evidence comes from our findings, recently published by the American Chemical Society, that fallout from Chernobyl reached the United States early in May, 1986, and accelerated the deaths of some 40,000

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Americans.

Our Chernobyl findings that the deaths of some 40,000 Americans were accelerated in the summer of '86 in the wake of the arrival of Chernobyl radioactivity on or about May 9th indicate that the excess mortality was concentrated among the very young, the very old and those suffering from pneumonia and from infectious diseases, especially those related to AIDS, in short, in those with vulnerable immune systems, in accordance with the Petkau free radical discoveries.

That these excessive deaths were a result of Chernobyl was further substantiated by unexpected mortality excesses being most pronounced in heavy rainfall regions with above average concentrations of radioactive iodine in milk. Further support came from the fact that in the very same time period, mid May or mid August, '86, excess mortality in the heavily irradiated southern provinces of West Germany was an order of magnitude higher than in the US, although its radiation exposure to Chernobyl fallout was two to three times higher, thus confirming also the expected logarithmic shape of the dose response curve to radiation levels.

Still further confirmation that ingested radioactive particles from Chernobyl fallout could damage the immune system came from ornithologists, in particular Dr. DeSante, who found that in this same period there was a catastrophic reproductive failure among land birds who fed

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their young insects contaminated with radioactive rainfall.

Such findings give us reason to believe that the free radical effect of low-level radiation affects many, if not all, forms of life.

The Chernobyl accident, for all its tragic consequences, offers an opportunity to reassess whether the price we pay for the continued operation of nuclear reactors is too great for society. Let us list separately here some of the special characteristics of the Chernobyl accident which makes such a reassessment absolutely imperative.

It involved a much larger population than any earlier studies of exposed populations.

It involved a normal population, not hospital patients, workers of a limited age range of eighteen to sixty-five, or survivors of a traumatic event such as the destruction of Hiroshima and Nagasaki.

It involved extremely low doses of radiation, comparable to those received from distant nuclear detonations, or to the permissible releases from nuclear reactors and plutonium separation facilities. There is, therefore, no need to make any assumptions as to how best to extrapolate theoretically the effects expected at low doses.

It involved accurately measured amounts of radioactivity in the diet, including milk, over a wide range of concentrations, especially when European data are taken into

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account. No such accurate measures of dose were available in any earlier studies of environmental radiation exposures or direct radiation exposure at Hiroshima or Nagasaki.

It involved internal radiation exposure as a result of inhalation and ingestion of radionuclei involving alpha and beta emitters, as distinguished from the external radiation exposure from normal background levels, diagnostic or therapeutic X rays, or gamma exposure as in the case of Hiroshima or Nagasaki.

The statistics emerging from the Chernobyl disaster permit for the first time ever the establishment of a dose response relationship at extremely low doses in a normal human population, down to a small fraction of the doses encountered in the normal environment. Our studies show that protracted internal exposure at low doses do not lead to a reduced effect, but rather to an increased effect, as compared to brief but high dose-rate exposures.

They show, also, that there is no safe threshold for small exposures comparable to those from normal background radiation sources, and certainly there is no beneficial effect as has recently been argued by nuclear proponents.

To the extent that the normal background radiation enters the food chain, it is, and always has been, and always will be, a human health risk. The low-level radioactivity from man-made radionuclei is an additional very new and present

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danger. It would indeed be foolish to contribute further to the possibility of radioactive ills by siting radioactive wastes at the Waste Isolation Pilot Plant without first being very clear that there are no increased health or environmental risks associated with this action.

Yet the WIPP facility's SEIS and the Final Environmental Impact Statement does not consider the Petkau Effect at all, nor does the Department of Energy acknowledge the substantial health effects of protracted low-level internal exposure of radiation. Instead the DOE relies on erroneous extrapolations from external dose data.

We would suggest that the Department of Energy examine much more carefully their assumptions regarding the health effects of low-level radiation exposure before siting any waste at the WIPP site. We would also suggest that they take a serious look at other governmental data regarding adverse radioactive health affects. We speculate that the Department of Energy knows more than they are telling.

Our Chernobyl findings clearly demonstrate that the health risk of protracted low-level radiation -- clearly demonstrate that there are health risks associated with protracted low-level radiation. Perhaps the most disturbing of our Chernobyl findings is a special vulnerability of persons aged twenty-five to thirty-four. Along with the astonishing increase of AIDS-related deaths in May of '86, this suggests

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that perhaps the primary insult to human immune systems came in the peak years of atmospheric bomb testing.

Both Linus Pauling and Andrei Sakharov had predicted in 1958 that millions of persons worldwide would be mortally affected by fission products released into the biosphere by the atmospheric bomb tests which began in 1945. According to recent estimates, by the time the partial test ban was signed in 1963, the superpowers had released the equivalent of approximately 40,000 Hiroshima bombs.

Sakharov's prediction that this would result in some 12 million deaths worldwide has since been supported by the flattening out of the mortality rates in the '50's after steady improvement since 1900. This flattening out indicates that about 9 million excess deaths occurred in the US alone in the period of 1950 to 1962.

MR. EIGUREN: Doctor, could you bring it to closure, please, sir?

DR. MARCH: Okay. I'll just ask you, once again, I've asked before, that you cooperate with the people in New Mexico and all over America and release any information you have on the health effects of the workers, 300,000 workers in the bomb plants, bomb facilities, and also release information that you might have on the Petkau Effect, and also support clear, independent, concise, funded, scientific studies to examine the health effects of low doses of long protracted

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radiation exposure.

Thank you.

MR. EIGUREN: Thank you.

Were you going to submit Dr. Gould's statement for the record?

DR. MARCH: Yes.

MR. EIGUREN: We'll mark that as Exhibit 319.

Just a moment, ma'am.

Exhibit 317 is the written comments of Nancy Kleinbord on behalf of the Santa Fe Clergy and Laity Concerned.

Exhibit 318 will be the written comments of Joe Connolly.

Exhibit 319 will be the written comments of Dr. Jay M. Gould, director, Radiation and Public Health Project of New York City.

(Exhibits 317 through 319 marked.)

MR. EIGUREN: As I understand it, we have Elizabeth Billups speaking on behalf of Dr. Ernest Sternglass.

MS. BILLUPS: That's correct. Yes.

His home address is 170 West End Avenue, Apartment 27H, New York, New York -- his address is 170 West End Avenue, Apartment 27H, New York, New York, 10023.

My name is Dr. Ernest J. Sternglass, and I'm a professor emeritus of radiological physics at the University of Pittsburgh School of Medicine, where I've carried out extensive

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research in the area of radiological instrumentation and the biological effects of low-level radiation since 1967. I have published two books and a series of scientific papers covering my research works.

The purpose of my testimony is to explain why it would be dangerous to proceed with the proposed plan discussed in the SEIS to begin immediate emplacement of radioactive and mixed waste at the WIPP facility. Others have commented on the pathways by which transuranic waste might be released into the outer environment, exposing humans and, of course, all other forms of life to the waste. I would like to focus my comments on the health effects of such radioactive releases.

The principal reason is that the existing EPA radiation standards are grossly inadequate to protect the health of the workers and the public from low levels of ingested or inhaled radioactive substances of all types, but particularly those man-made isotopes that are produced in the course of the manufacture of nuclear weapons, such as Strontium 90, plutonium and other transuranic elements.

This has become evident only in the last fifteen to twenty years when unexpected large increases in childhood leukemia, cancer, congenital defects, premature births, as well as infant and total mortality of all ages, was found to be associated with the release of nuclear weapons fallout and transuranic waste.

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This has come to light only in recent decades as discussed in detail in my book Secret Fallout. In the course of the last fifteen years a new discovery was made that allows one to understand why such unexpectedly large effects of low-dose radiation that enter the body through the drinking water, the air and the diet occurred at rates thousands of times greater than expected on the basis of all our earlier experience with medical X rays and the studies of the Hiroshima-Nagasaki survivors.

It now appears that these unexpected health effects were produced by an indirect chemically-mediated action of radiation, whereby ingested fission products promote the formation of free radicals that damage the immune system. This mechanism was discovered in 1972 by Ahram Petkau.

Dr. Petkau is a Canadian physician and biophysicist who currently manages the Medical Biophysics Branch of the Whiteshell Nuclear Research Establishment, located in Pinawa, Manitoba.

While studying the action of radiation on cell membranes in 1971, Dr. Petkau conducted an experiment never done before. He added a small amount of radioactive Sodium 22 to water containing model lipid membranes extracted from fresh beef brain. To his surprise the membranes burst from exposure to just one rad over a long period of time.

Conversely, Dr. Petkau had previously found that

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3,500 rads were required to break the cell membrane when X rays were applied for a short period of only a few minutes. He concluded the longer the exposure, the smaller the dose needed to damage cells.

After several more experiments he discovered the cause of this surprising effect from low-level radiation. The irradiation process was liberating electrons, which were then captured by the dissolved oxygen in the water, forming a toxic negative ion known as a free-radical molecule. The negatively charged free-radical molecule is attracted to the electrically polarized cell membrane. This causes a chemical chain reaction that dissolves the lipid molecules, which are the principal and structural components of all membranes and cells.

The wounded and leaking cell, if unable to repair the damage, soon dies. If the free radicals are formed near the genetic material of the cell nucleus, the damaged cell may survive, but in a mutated form.

Subsequent research by Dr. Petkau and other scientists ultimately demonstrated that this process occurs even at background radiation levels. At high levels of radiation Petkau found less cellular damage from free-radical production per unit of energy absorbed than at low levels of radiation.

Free radicals are so dangerous to living systems because they form in the water, and water comprises 80 percent

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of the cell. Free radicals not only destroy healthy cells, but also affect normal cell function in a way believed to speed the aging process.

A protracted exposure to ingested beta emitters can be 1,000 times more harmful to cell membranes than a brief external exposure to X rays, because DNA repairs itself relatively efficiently after an x-ray hit compared to the damage caused by oxygen-free radicals at very low doses. This type of exposure may thus account for the jump observed in mortality immediately after every nuclear plant accident or after fallout from atmospheric bomb tests.

Strontium 90 and many of the transuranic elements are chemically similar to calcium and, therefore, concentrates in the bone of the developing infant child and adolescent. Once in the bone these elements irradiate the marrow where the cells of the immune system originate at a low rate over a period of many years. As first discovered by Stokke and his co-workers at the Oslo Cancer Hospital in 1968, extremely small doses of only 10 to 20 millirads of protracted dose from internal emitters can produce visible damage to the blood forming cells of the bone marrow, probably via the production of free-radical oxygen.

This can lead to the development of bone cancer, leukemia and other malignant neoplasms, both directly by damaging the genes and indirectly by lowering the ability of

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the immune system to detect and destroy cancer cells.

An accumulation of radionuclides from the combination of growing uptake and slow excretion and the consequent mortality also appear to involve deaths from heart diseases, as well as from cancers and other causes. Free-radical oxygen, produced most efficiently by internal beta emitters, such as Strontium 90, may be a factor in coronary heart disease. The theory is that the free radicals oxidize the low-density cholesterol and cause it to become more readily deposited in arteries, thus blocking the flow of blood and inducing heart attacks.

To summarize, Petkau and others have demonstrated that the response per additional dose of radiation is greater at low levels of intensity than at higher levels. The correlations of health effects with exposure to ingested low-level radiation can thus be explained by the indirect action of radiation via free radicals damaging the normal function of the hormonal and immune systems of humans and animals alike.

Thus the exposed significant excess deaths could be the result of exposures to fission products and other radioactive elements, such as plutonium, Strontium 90 and Iodine 131 in food, milk, water and air, according to this biochemical mechanism.

These new findings imply that the releases of

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radioactive materials from a nuclear waste storage site are thousands of times more hazardous biologically than assumed on the basis of all existing standards relating to permissible releases to the environment. All such releases result in long-term, internal, low dose-rate exposure for critical hormone-producing organs and the bone marrow over many weeks, months or years.

These standards are all based on the assumption that it is valid to extrapolate from high doses and short exposures such as received from the atomic bomb detonation at Hiroshima and Nagasaki to the very much lower doses and chronic exposures received from radioactive chemicals released into the food supply, the water and air.

As the SEIS for the WIPP points out, "Cancer data from the Japanese survivors of nuclear detonations in World War II are used in most of the analyses in the BEIR III report." Using the Hiroshima-Nagasaki data to arrive at health risk assessments, however, ignores the more significant danger of protracted internal radioactive exposure, especially in low doses.

Recent laboratory and epidemiological data cited above show that the dose response curve is not linear down to the low doses of environmental radiation, that instead it rises much more rapidly from the small doses, so that the calculated risks of low dose exposures has been vastly underestimated.

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Thus evan a small revision of the existing EPA standards that may be proposed to take account of errors in the doses estimated to have been received by the atomic bomb survivors would not be adequate to protect public health.

Because this crucial matter is currently under review and open for public comment, it will not be resolved by the end of 1989 when the DOE proposes to begin introducing radioactive waste into the WIPP facility. It would therefore be impossible to meet the requirements of such existing environmental protection laws, such as the RCRA, which mandates that hazardous wastes slated for land disposal be treated in such a manner as to "minimize the present and future threat to health and the environment."

Therefore, even the introduction of only 10 percent of the total capacity for radiation waste storage as presently proposed would constitute a dangerous action from the viewpoint of public health, especially in view of the existing problems of water seepage that could endenger the underground water supply and contaminate local rivers for thousands of years. This would also be the case for potential transportation accidents, all of which now appear to involve much greater health and socioeconomic impacts than have been anticipated when the facility was originally designed.

I, therefore, urge that no precipitate reaction be taken at this time to transport any radioactive and mixed waste

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to the WIPP site, and that instead steps be taken to provide carefully monitored, retrievable, aboveground storage for the existing transuranic waste at their present locations until all the existing unresolved questions related to the impact of low-level radiation on human health and the environment can be resolved as required by law.

Thank you.

MR. EIGUREN: Exhibit Number 320 for the record of this proceeding will be the written comments of Ernest J. Sternglass, PhD, Professor Emeritus of Radiological Physics, University of Pittsburgh. 15-Jun-89: TS-00353, PAGE 9 OF 9

(Exhibit 320 marked.)

MR. EIGUREN: Ladies and gentlemen, I'm now informed that several individuals whose name I called earlier and were not here have now arrived. I'll call them in the order that they appear on our witness list for this afternoon.

The first is Sheena Cameron, followed by Nib Sabin, followed by Jeanine Kithil.

MS. CAMERON: My name is Sheena Cameron. I'm here representing the Taos Area Advocates for the Environmentally Ill and --

MR. EIGUREN: We can't quite hear you. The gold mike is the one you need to speak into. Yes.

MS. CAMERON: Okay. I'm representing the Taos Area Advocates for the Environmentally Ill and Chemically

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Sensitive.

Briefly, environmental illness, rare a decade ago but now alarmingly common, is the extreme reaction of affected individuals to almost everything in their environment. Basically, their immune systems have broken down from cumulative exposure to toxic chemicals.

In Taos we have formed a group to support each other in coping, to exchange healing information, to lobby the government and industry on our behalf and educate the public.

We are personally concerned about WIPP, because it would take only a fraction of the amount of exposure to radioactive waste to produce the same effect on people with weakened immune systems as it is guessed it would have on the entire public.

But the most important point we want to make here is that this is not a freak condition with a mysterious origin which affects only a few. At least 15 percent of the US population suffers from it, with the number growing at an astronomical rate. It could happen to anyone. We are merely the canaries in the mine shaft. For the sake of modern conveniences and evermore industrial profits, we the society must push our bodies and this earth almost to a point where neither can be healed.

Once someone becomes chemically sensitive, practically everything they come into contact with triggers a

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serious reaction, ranging from headaches to mental confusion to unconsciousness. They are constantly exhausted, physically, have to be on a severely restricted diet, can't do most of the things we take for granted, like read, travel, study, work. And many people lose their jobs, their businesses, homes, even their friends and families.

Medical treatment is expensive and usually useless. Any hope of returning to a normal life involves years of searching for the right help, much sacrifice, major lifestyle changes and much loneliness and frustration. Trying to collect insurance, workmen's comp or disability, usually involves years of trying to defend oneself against accusations of mental disorders.

This is happening now. We are casualties of the government policy of letting the chemical industry do whatever makes money for it. We fear for future generations casualties from the government policy of letting nuclear industry do whatever makes money for it. We fear the nuclear industry will do what the chemical industry is doing now, denying responsibility and blaming the victim.

At the request of the Canadian Atomic Energy Commission, Dr. Petkau did research to establish the effects of low-dose, low-term exposure to radionuclides. His results as reported in March, 1972, in Health Physics are quite alarming. He suggests, among other things. the creation of free radicals

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in the body which wreaks havoc with the immune system and potentiates all kinds of possible immunodeficiency diseases.

A possibility obvious to us is the slow insignificant seepage or leakage of radioactive waste into our water or air from the WIPP site, slowly and insidiously robbing future generations of their physical vitality and normal mental functioning through damage to the immune system.

We could not feel more strongly that the opening of WIPP be delayed until further health studies are made. The Indoor Air Quality Act of 1989, House Bill 1530 and Senate Bill 657, has asked the EPA to do a study of chemically sensitive individuals.

We know environmental illness is more concentrated in certain heavily polluted and industrialized areas. We know personally that there seems to be a disproportionately large number of cases in Los Alamos. This is alarming and needs to be looked into. We know that many of our children have learning disabilities caused by preventable environmental factors. We have a right to know more statistics and facts so we can decide as a society whether the benefits are worth the risks.

We are really scared about the health dangers at WIPP. Our personal experiences with other government agencies, particularly the EPA and the FDA, has been very bitter. They are supposed to be protecting us citizens, working for us, yet

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they often end up squarely on the side of industry.

For instance, food irradiation for formaldehyde. Formaldehyde is devastating to the immune system, yet it is in so many of our products, including most of our building materials, that few Americans could avoid it if they tried. England has outlawed its use in any building materials. Chemical companies here can introduce new chemicals merely by registering them. They don't even have to prove their safety.

Something is dreadfully wrong. Look at the rise in rates of cancer, allergies, learning disabilities and degenerative diseases. Health-wise we are becoming a vulnerable country, because we are not obeying the natural laws.

We fear the same lack of consciousness which is a allowing dangerous toxins to sap the quality of life will allow the ultimate of dangerous substances, radioactivity, to take even our lives.

Please don't subject New Mexicans or any other living beings, including our Earth, to a substance so insidious that even minute exposure can make life not worth living.

Thank you. 15-Jun-89: TS-00354, PAGE 5 OF 5

MR. EIGUREN: We're going to be at ease for just a moment.

(Discussion off the record.)

MR. EIGUREN: Now go back on the record.

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And I would call Hib Sabin, followed by Jeanine Kithil.

Welcome, Mr. Sabin.

MR. SABIN: Good afternoon.

MR. EIGUREN: I'd like to indicate you've got ten minutes for comment, sir. At nine minutes a little green light will go on, and ten a red light.

MR. SABIN: Thank you.

Mr. Hearing Officer, members of the panel. My name is Hib Sabin, my address is Route 2, Box 303-S, Santa Fe, New Mexico, 87505. I represent the Santa Fe-Bukhara Sister City Project and the Peace with Justice Task Force of the Interfaith Council of Santa Fe.

There has been much cogent and valid testimony given here today on why transuranic nuclear waste should not at this time be deposited at the WIPP site and why it should not be transported from around the country to the WIPP site. I would rather, therefore, take a different tack, based on personal experience, which augments, backs up, that is, much of what has been said here today.

In my capacity as chair of the Soviet-American Friendship Society and more recently the Santa Fe-Bukhara Sister City Project, I have had an opportunity to travel extensively in the Soviet Union, having made several trips since 1982. I have seen the opening up of that country under

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Perestroika and Glasnost to a point where the citizenry and the scientific community talk with relative openness about nuclear problems.

I was in Kiev some six months after the Chernobyl disaster and had an opportunity to talk with women whose children had been evacuated at the time of the disaster. I remember the bus I was traveling in being checked by a Geiger counter as I was approaching Kiev.

I have just returned less than two weeks ago from Moscow. While there, as well as in Leningrad, I had the opportunity to talk at length with young engineers who worked at nuclear power plants, as well as with a number of young Greens, environmental activists. They all had the same message for me to bring back to the United States. The message these good folks gave me was to go home and tell my friends, fellow workers in the vineyards and the people of the United States, that our two peoples must come together in a massive scientific effort to resolve what to do with nuclear waste, a conclusive resolution to the problem, not just digging holes in the ground to stuff the foul materials into.

The Soviets are producing large amounts of nuclear waste. Some of it is being reprocessed, but much of it is being stored temporarily, in quotes, aboveground in what they describe as glass containers.

Now changing to the American scene. You know, I

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feel like I've been this route before. As a fellow writer of POWER, an acronym for People Opposed to Waste Energy Repository, I remember earlier in the 1980's sitting in on DOE tell-all meetings in places like Hereford, Texas, telling the good folks there that putting a high-level nuclear waste site half a mile under the ground, the best farmland in the state, wouldn't hurt a thing. Not to worry about drilling a shaft down through the Ogalala aquifer, an underground body of fossil water that reaches out under eight states, some of the finest water and fast depleted water in this country, not a chance of polluting this vital source of water.

Well, the farmers didn't buy that hogwash, and they raised hell. And so now we are told by the DOE that Deaf Smith County in the panhandle is not suitable for a high-level waste site. Chalk one up for sanity.

Grace Mojtabai, in her telling book Blessed Assurance -- and for those of you who haven't read it I would suggest you do. It's about the panhandle, it's about nuclear waste and nuclear production in that area, about how the people deal with it.

In her book, Blessed Assurance, she tells about a certain DOE official performing a typical shell game at a local hearing in the panhandle. A farmer got up and asked him why the nuclear power plants continue to be established when there were no ways of disposing of the waste.

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His reply was, "This is a widespread social problem. We take care of our immediate needs and don't give thought to the future. Ever since the industrial revolution began," he said, "we've been sweeping our refuse, our toxic garbage under the rug. Just now we're confronting the result."

Well, at that time -- and excuse me. End quotes.

At the time I thought it was a perfect gloss-over reply which deserved the Garbage Broom Award. I couldn't give it to them, but I think we're still in the same condition, so, gentlemen, I brought the garbage broom to give to you today.

Moving on to Amarillo, some forty miles distant, the home of Pantex, the final assembly and disassembly plant for all nuclear warheads, one of the centers of the DOE activities in the network of nuclear production, an installation which provides about 25 percent of Amarillo's economic base through supplies, services, payroll, purchases and sales tax.

The good folks of Amarillo defend the Pantex plant with Old Testament vengeance. They say that Amarillo is a fine place to raise one's children in, while also admitting, that is 22 percent of them, that there is a good chance of an accidental nuclear explosion in Pantex. 37 percent feel that there is a good chance of an accident during the transport of the radioactive materials from or to the plant. 84 percent feel that Pantex is a prime target for Soviet nuclear warheads.

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Here we have a classic example of an end time mentality, the same mentality that the DOE continues to express at other people's expense.

I would like to read a passage from Blessed Assurance. Let us go back to around 1985, the height of this controversy there.

Grace says, "There is a hint of a wider perspective, also, in recent Department of Energy hearings, where farmers have begun to raise the question what are the proper uses of any agricultural land? And at a farmers' mass on the Streffus farm between Hereford and Vega on Ascension Thursday, May 16th, 1985, the question of good stewardship, of earth, water and sky, becomes, at least for the moment of Bishop Matthiesen's homily, central.

"The mass is celebrated in a large shed, on an improvised altar of planks over stacked bales of hay. It begins in a twilight of rain and ends in a muted dawn radiance. Good symbolism, but no one presses it. In point of fact, the sun will soon go down.

"Over supper, sitting at the long tables decorated with baskets of still-green winter wheat, the nuclear waste issue weaves in and out of the conversation. The Straffus farm sits adjacent to an exploratory drilling site. The subject of Pantex comes up of itself. The authorization of commingling of industrial and military nuclear wastes, which President Reagan

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has just signed into law, has brought the question of military wastes, and Pantex, unavoidably into the picture. There is a momentary linkage, a pause, the conversation shifts ground. The sun is setting. 'We've about run out of daylight,' as they say in these parts, and we gaze out to catch the last of it."

True, we have just about run out of daylight, if we go the way of DOE, pell-mell toward a September, 1989, deadline, a hazardous plunge which wreaks of potential disaster.

Better to let the waste sit at its present sites while the same scientific minds that gave us the bomb perform the research for the ultimate disposal, destruction and neutralization of this most toxic of waste materials that has come to haunt us in our generation.

Thank you.

MR. EIGUREN: Appreciate your comments.

We'll mark your written comments, sir, as an exhibit --

MR. SABIN: Thank you.

MR. EIGUREN: -- within the record.

MR. SABIN: Oh, excuse me. Don't forget the broom.

MR. EIGUREN: Right. We'll try to put that in the record, too.

MR. SABIN: Thank you.

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TS-00356, Page 2

MR. EIGUREN: The written comments of Hib Sabin, Route 2, Santa Fe, will be marked as Exhibit 321 for the record, included as received.

(Exhibit 321 marked.)

MR. EIGUREN: I would next call Scott Pittman, followed by Jeanine Kithil.

Mr. Pittman represents the Southwest Regional Permaculture Institute.

Mr. Pittman, we request you give us an address for the record, and you have ten minutes for comment, sir. A green light goes on at nine, red light goes on at ten.

MR. PITTMAN: Okay. 15-Jun-89: TS-00356, PAGE 1 OF 6

My name is Scott Pittman, Post Office Box 1812, Santa Fe, New Mexico, 87504.

I'm director of the Southwest Regional Permaculture Institute, a nonprofit organization seeking to institute sustainable agriculture and lifestyle on the planet. Our primary goal is to educate the public to the current devastation of the planet and to offer alternatives to that destruction. The Permaculture Institute, as well as any other environmental/ecology-based organization, does not promote nuclear development as a rational or sustainable alternative for energy or peace. Nukes for peace is, to our view, an oxymoronic statement.

I would like to address my comments to the] 3.2-1

credibility of the Department of Energy. Mr. James Bickel of the DOE was asked by reporters if he felt that the current Rocky Flats investigation would affect the transport of waste to WIPP.

"I don't know why it would," Bickel said. "I don't see any relationship between the two."

The relationship, Mr. Bickel, is the credibility of the Department of Energy. The DOE is consistently on the side of the corporations that subcontract to the DOE, to the detriment of the environment, the workers within those corporations and the surrounding community.

Rockwell International, who runs Rocky Flats, have consistently used shoddy monitoring and disposal techniques in their nuclear processing and have not only been allowed to ignore government guidelines but were rewarded this past year by the government to the tune of $8 million for being an exemplary company. 3.2-1

GE, who I understand are to run the WIPP operation, have an abysmal record for safety, pollution and theft from the government. GE's board of directors include Walter Wriston, President Reagan's economic advisor in the 1980 presidential election; William French Smith, former US Attorney General; David Jones, retired Air Force general, chairman of the Joint Chiefs of Staff, and on the advisory board of the Star Wars Advisory Plan. 15-Jun-89: TS-00356, PAGE 2 OF 6

The interweaving of government officials with the nuclear industry is a well documented fact, and it stretches credibility to think that one day these citizens are scrambling for lucrative government contracts and the next they are guardians of the public interest. With the further daily headlines of civil servants running amok after profits on their own personal agendas, it is difficult to assume that the DOE is any different or comprised of more ethical or moral employees.

We as citizens are confronted with the President allowing a private war to be financed with weapons sales to Iran, Watts; former Secretary of Interior, selling his influence to gain profits for contractors of government housing; of Meese, former Attorney General, involved in one sleazy deal after another; and the list goes on and on.

We have a forest service that is selling our national forest at a loss year after year. We have a Bureau of Land Management which is leasing lands and overgrazing them, subsequently rampant erosion on public lands at a loss.

So I would like to offer an alternative to all of the monies that are being spent on our nuclear programs, and I take this from the State of the World, a publication by the World Watch Institute, a report on progress for a sustainable society, 1989. This is on page 150. It's trade-offs between military and social and environmental priorities.

Military priority is Trident II submarine and F-18

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3.6-2
5.3-1

jet fighter programs at $100 billion. The social/environmental priority would be the estimated cost of cleaning up the 10,000 worst hazardous waste dumps in the United States. They are equivalent costs.

The Stealth bomber program, $68 billion. The same cost is two-thirds of the estimated cost to meet US clean water goals by the year 2,000.

Requested SDI funding for the fiscal years '88 to '92, $38 billion. That same amount of money would begin to dispose of highly radioactive waste in the United States.

Two weeks of the world's military expenditure of $30 billion, the annual costs of the proposed UN Water and Sanitation Decade.

German outlays for military procurements and R and D, the fiscal year 1985, $10,750,000,000, the estimated cost to clean up the West German sector in the North Sea.

Three days of global military spending, $6,500,000,000, to fund Tropical Forest Action Plan over five years.

Development cost for the Midgetman ICBM, $6 billion, the annual cost to cut sulfur dioxide emissions by 8 to 12 million tons per year in the United States to combat acid rain.

Two days of global military spending, $4,800,000,000, the annual cost of proposed UN Action Plan to

3.6-2

halt Third World desertification over a twenty-year period.

Six months of US outlays for nuclear warheads, the fiscal year 1986, $4 billion, the US Government spanding on energy efficiency in the fiscal years 1980 to '87. They're equivalent figures.

SDE research, fiscal year 1987, $3,700,000,000, enough funds to build a solar power system serving a city of 200,000 people.

Ten days of European Economic Community military spending, $2 billion, the annual cost to clean up hazardous waata aites in ten European Economic Community countries by the year 2000.

One Trident submarine, $1,400,000, global five-year child immunization program against six deadly diseases, preventing 1 million deaths a year.

Three B-1B bombers, $680 million, US Government spending on renewable energy for fiscal years 1983 to 1985.

Two months of Ethiopian military spending, $50 million, is the annual cost of proposed UN Anti-Desertification Plan for Ethiopia.

One nuclear weapons test, $12 million, would provide the installation of 80,000 hand pumps to give Third World villages access to safe water.

One-hour operating cost of the B-1B bomber, $21,000, a community-based maternal health care center in ten

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African villages to reduce maternal deaths by half in one decade.

I would suggest to the DOE that these are far better ways to spend the money than to engage in building nuclear warheads.

Thank you for your time.

MR. EIGUREN: Ladies and gentlemen, our next commentor is Jeanine Kithil.

MS. KITHIL: Well, it's really Jean. Just Jean.

MR. EIGUREN: Okay, Jean. Jean Kithil.

This will be our last commentor before we take a brief recess and then go back on the record at 6:30.

Please proceed.

MS. KITHIL: My name is Jean Kithil, and I am representing the Santa Fe Preparatory School. Their address is 1101 Camino de la Cruz Blanca, Santa Fe, New Mexico, 87501.

MR. EIGUREN: Thank you.

MS. KITHIL: As a tenth grade health teacher I led our class in an educational project on WIPP in which we invited several speakers to visit. The EEG speaker, Dr. Anthony Gallegos, provided us with unbiased and scientific information with which to weigh the information given us from the DOE on one side and the CCNS on the other side. We were further helped in our confusion by our science teacher, Dr. Jay Shelton.

3.6-1
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At the end of our two-month project we stated our concerns in letters to the media and to elected officials of New Mexico. Three words come up over and over again in the letters from these young people, fears, confusion and rush. A composite of these concerns was made into a statement from our school to Mayor Sam Pick. It was signed by our headmaster, Stephen M. Machen and 170 members of our school community.

I would like to emphasize that our school's position is not politically or economically motivated but comes from a genuine worry that the WIPP opening is being rushed, and our health and environment will suffer the consequences.

This now is our statement.

The Santa Fe Preparatory School is concerned with the health and safety of present and future generations of New Mexicans if the WIPP does not meet the new EPA standards prior to the storage of waste.

Specifically, we request your consideration of the following eight areas.

One, we need safe, improved roads, including metropolitan bypasses, before shipping begins.

Two, we need safe drivers who have passed special requirements for driving trucks with nuclear waste, and we need a firm policy that waste shipments will be halted during hazardous driving conditions. We cannot afford the human errors that were recently demonstrated in Prince William Sound

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in Alaska.

Three, we need safe containers. TRUPACTs must comply with the NRC standards before shipping begins.

Four, we need properly trained first response people equipped for the worst-case scenario. They must know how to deal with all the hazardous waste that will be shipped, and they must be able to identify the contents of the TRUPACTs quickly and accurately.

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Five, we need to know if a detailed plan exists to retrieve the waste if the repository is unsatisfactory after five years. This may be hard to do, since the salt caverns are collapsing at a faster rate than originally computed.

7.12.6-4

Six, we need to know if indeed WIPP will be closed in twenty-five years, or will a decision be made to add more waste.

5.1-2
5.4-2
7.8.5-2
7.8.6-1

Seven, we hope that experimentation and testing will occur before the shipments to WIPP begin. Is the site safe even though there is brine seepage? What gases will build up with radioactive waste?

5.1.1-1
7.8.5-2
7.8.6-1
7.11-4

As for the distant future, last month human skeletons dating from less than 100 years ago were found near the Santuario de Guadalupe in Santa Fe. If that burial site was unknown to us, how can mankind remember the location and hazardous nature of WIPP thousands of years into the future?

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Too many concerns remain unanswered. The DOE's

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safety record has not provided much comfort to the citizens of the States of Washington, Idaho, South Carolina, Colorado and many more locations, such as Los Alamos, where highly poisonous nuclear waste is working its way into the water table and the atmosphere.

The DOE needs to work hard to gain our trust. The DOE needs to be much more careful than in the past. We need a series of legal checks and balances which will insure maximum safety from an agency which up to now has been known only for its singleminded attention to building nuclear weapons regardless of environmental destruction. 3.1-2

We the members of the Santa Fe Preparatory School Community would like to convey forcefully our concerns to DOE so that you can represent our best interests in reaching a sensible, long-range solution to nuclear waste. We do not want WIPP to open until it is scientifically safe. Better yet, we would hope that an alternative to burial of nuclear waste is discovered.

I have a little time to read an interesting scenario of the future from three very creative students from my health class who were worried about human intrusion. So this is their letter. 7.14-11

Gentlemen, the following may sound far-fetched, but it is not at all impossible. In fact, it is only too possible, which is what scares us. In all recorded time no

civilization has lasted 10,000 years. The history we know of dates back only 6,989 years, and look at all that has happened in just that amount of time.

Please consider this.

And then the title is MacMillen, 12,797, from A History of the World.

The year is 6989. The location is a barren field in the New United Arab Oil Plain. It is the metropolis of Rubi-Famahradhbadi -- in the ancient tongue, Carlsbad, New Mexico. This was the forbidden city of the old United States Empire. A secret vault has been discovered, and, if nothing else is found, traces of oil and natural gas are known to be beneath. 7.14-11

Today is a day long awaited, the day that the secrets of the ancient vault will be revealed on Geraldo, the 197th special investigative report. The bulldozers have cleared away the stone slab that sealed the cavern off, and the archaeologists are delving into the sodium chloride beneath. A cry is heard, and the discovery of the collapsed remains of a shaft is made.

Following the shaft downward, they reach a small, open pocket in the depths of the earth. Many collapsed passages lead off this crushed entechamber. Following these passages, the archaeologists finally find one of the farther chambers.

Many interesting items are found, some that look like traces of fibrous materials that might be the garments of the old race. Next found are the remnants of the obsolete tools used by the ancients. Finally, a chunky, dry substance is found embedded in the salt for which the archaeologists can find no use.

An amazing discovery, these artifacts. The first real proof of the old civilization's existence other than stories and writings of it. These items are instantly made available to the public. They are shipped to museums all across the continent, displayed in exhibits and sold in gift shops. Soon they become as common as microwaves. Everybody has at least one in their house, usually used as a decorative item or as a plaything for the children.

Strangely enough, months later an epidemic of an unknown disease sweeps the continent, and everyone is stricken and passes away miserably.

This was written by Glenn Whitener, Stephe Rommel and Tony Pinkerton, Tenth Grade Health.

I will now submit my class' letters and my school's statement to DOE for their public records.

MR. EIGUREN: Thank you.

We'll mark the letters from Jean Kithil as Exhibit 322 for the record of this proceeding.

(Exhibit 322 marked.)

7.14-11

15-Jun-89: TS-00357, PAGE 6 OF 6

Ladies and gentlemen, it's now 6:15 p.m. on the 15th of June. We will be in recess for fifteen minutes and go back on the record at 6:30.

(Proceedings in recess.)

MR. EIGGREN: We will call this public hearing back to order. We'll formally go back on the record. It is now 6:36 PM.

This is United States Department of Energy Public Hearing Number 0026-DS being held in Santa Fe, New Mexico, on June 15th, 1989, for the purpose of receiving public comment regarding the Draft Environmental Impact Statement prepared in relationship to the proposed operation of the department's Waste Isolation Pilot Plant located near Carlsbad, New Mexico.

Prior to taking a recess at 6:15, we were in the process of receiving comment from members of the public who were representing either Indian tribes, local or state governmental agencies or public interest groups. Up to the point in time that we -- up to the point in time that we took a break, we had 49 -- excuse me, 48 commentors who appeared here today to provide comment for the record on this particular issue.

I'd like to note for the record at this point our hearing panel is Mr. James Bickel and Mr. John Arthur. They will be with me for the balance of the evening's session.

What we'd like to do now is go back to our

preregistered commentor list and call the names of those individuals who are scheduled to appear at this time. I have noted previously for the record that there have been a number of individuals whose names we've called who were not here previously. It may be that they had other time commitments or in some way they were precluded from being here, so to make sure that we give everyone a fair opportunity to go on the record before we close this portion of our public hearing, we're going to call all the names on our preregistered commentor list one more time.

I'm now told that two names of individuals who I called earlier that were not here are now here. The first is Francine Allen. Yes, if you'd please step forward to the podium. Following Francine Allen will be John Puckett.

Francine Allen represents Children of the Earth and Francine will have ten minutes within which to comment. We first ask that you would give us your address -- mailing address for the record. After nine minutes elapses, the green light will go on. When the red light goes on, that means time is up.

Apparently, you're going to sing, so as

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I've told others who have sung, we can capture the verse for the record, but we can't get the melody.

Very good. Thank you. Please proceed.

MS. ALLEN: My address is 727 Camino Santa Ana, Santa Fe, New Mexico, 87501.

Good afternoon, gentlemen. It doesn't surprise me that I'm speaking to Caucasian males at the moment, but I would like to start with a chant.

We are all one planet, all one people on earth; we are all one planet, sharing our living, our dying, our birth. And we won't stand by watching her die, hearing her cry and deny. We live as she lives, we die as she dies.

We are all one planet, all one people on earth; we are all one planet, sharing our living, our dying, our birth. And we won't stand by watching her die, hearing her cry and deny.

I am a child of the earth, as we all are children of the earth, and I'd like to start by saying that WIPP cannot be opened in September and WIPP cannot be opened ever.

The facts are obvious, and there has been many facts presented today and I don't need to repeat all of them, as they are written down and I'm sure that you've gone through many of them

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TS-00358, Page 2

yourselves. Although the SEIS is quite incomplete and unsatisfactory in validating -- and it seems that there is a crime if WIPP does get opened, and we should just realize that it's a 700 million dollar mistake and it's our taxpayers' money -- it's my money and it's everyone's here money -- that has gone to waste, and I call it waste because WIPP can't be opened. It's unsafe. It hasn't met any EPA standards.

By opening it, it would be worse than any money the state could -- it would be a destruction and rape of the earth, the Mother Earth which we all come from, we are all children of.

I'd like to say that that 700 million dollars could have gone to research in solar energy, which New Mexico has a lot of that resource, and it's possible that maybe the millions of dollars that were being used for taking the waste back out of WIPP, if that was to ever have to happen, could be used to research more alternative energies.

Department of Energy has consistently raped the earth and WIPP is just another obvious -- WIPP is just another obvious example.

I'd like to sing one more song, it's a song that I wrote actually two days ago.

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3.1-2

1-2
3.2-1

3.1-8
3.2-1

301

Take a look around, open your eyes and really see all the miracles that our Mother Earth, she gives to you and me. Take a drink of water from a flowing stream. Fill your lungs with the fresh, clean air after a rain. Pretty soon, they say don't drink the water, don't breathe the air. And we still keep poisoning the earth without stopping to care. Is it all in the name of a piece of paper we call the dollar bill?

Well, we'll wake up one day and we'll find that our gold, it isn't really what we wanted after all, but the Department of Energy says we keep on building bombs to keep us free, but let me tell you, it's all in the name of greed -- in the name of greed.

And the government says it doesn't matter what we dump in the water. The farmers will never know. It doesn't matter 'bout the Pecos River flowing to the border of Mexico. It doesn't matter that there's children crying and the earth is dying. The Department of Energy says it's best to keep on mining. Well, I think they're lying, because it matters to me and it should matter to you.

Pretty soon they say don't drink the water

3.1-8
3.2-1

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and don't breathe the air, and still we keep on poisoning our Mother Earth without stopping to care. Is it all in the name of a little piece of paper that we call -- we call the dollar bill?

Well, one day we're going to wake up and find that our gold, it isn't really what we wanted after all. We keep on building bombs to keep us free, let me tell you, it's all in the name of greed.

Take a look around you now, open your eyes and really see all the beautiful miracles that our Mother Earth she gives to you and she gives to me.

We can create something for the harmony and we have -- all we have got to do is humble ourselves and believe that we can take drink of water from a flowing stream and we can still fill our lungs with the fresh, clean air after the rain; that's to believe that we can create a world safe for you and me. No radioactivity. No radioactivity.

I'd like to close with saying thank you for listening and I hope that the right decision is made and that WIPP does not open; not only not open in September, but does not ever open. Stop WIPP now.

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3.2-1

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Thank you very much. Would you like this? Thank you.

MR. EIGUREN: The next commentor is John Puckett. We're going to mark as an exhibit the lyrics provided by Francine Allen. That will be Exhibit 323 for the record.

(Exhibit 323 marked.)

MR. EIGUREN: Thank you very much, Francine. Mr. Puckett.

MR. PUCKETT: My address is the Los Alamos National Laboratory, Los Alamos, New Mexico, 87545.

I am a health, safety and environment division leader at the Los Alamos National Laboratory. I am an employee of the University of California, which operates the Laboratory.

The organization I head is responsible for all health, safety and environment at the laboratory, including the management of the Laboratory's transuranic waste.

My purpose today is to describe transuranic waste management at Los Alamos, outline the checks and balances involved, and at the end of my short talk, deliver a quick personal aside.

I will try to be both factual and brief. The brevity of my appearance, however, should not

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be equated with anything but obvious time constraints. It is my job to be not only interested, but accountable.

Transuranic wastes from Los Alamos are being prepared and packaged in accordance with all technical and quality assurance requirements identified in the WIPP waste acceptance criteria.

All WIPP-approved waste is packaged in metal 55-gallon drums or larger metal boxes. Waste materials include not only scrap metals, cemented liquids and particulates, but also paper, plastic, cloth, rubber, glass and a damp clay-like solid material.

In accordance with the waste acceptance criteria, our WIPP waste must be free of liquids, pyrophorics, pressurized containers and explosives. In addition, strict limitations have been levied on the quantity of particulates, radioactive material, package size and weight, and on external package radiation and surface contamination.

Furthermore, any regulated, hazardous materials present, most commonly metallic lead, are identified in the quantities listed in the data that describes the waste package. Our waste-packaging management system includes detailed computer

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records. Contrary to words that were said here today, we know exactly what is in every waste package and it is in our records.

Not only this, but preparing our waste to meet all WIPP requirements involves an elaborate quality assurance program of approvals and audits, all of which are also extensively documented. Indeed, all transuranic waste preparation for WIPP is being accomplished in accordance with the Los Alamos certification plan and detailed operating procedures. This certification plan has been approved by DOE and reviewed by the State of New Mexico Environmental Evaluation Group, EEG. The Laboratory responds to all EEG comments. 1-1

Moreover, internal Laboratory audits of all aspects of WIPP waste preparation operations are conducted twice a year by the Laboratory quality assurance organization. On top of that, the DOE Waste Acceptance Criteria Certification Committee, accompanied by a representative of the State EEG, has audited the Laboratory now on three occasions, once each year for the past three years.

Included in these audits has been a review of the conduct, findings and subsequent responses to the internal Laboratory audits. The Laboratory has

implemented all improvements or corrections identified in these audits. All of these audits and checks have but one purpose, to ensure that the waste is handled, transported and eventually disposed of at WIPP in a manner that protects the worker, the public and the environment.

Transuranic wastes have been accumulated at Los Alamos since the 1970 Atomic Energy Commission directive that defined these wastes and required their segregation, special packaging and storage.

Laboratory efforts to retrieve, evaluate, treat as necessary and prepare this past accumulated transuranic waste for eventual WIPP disposal is now in progress. These efforts involve the construction of new facilities. At these facilities, wastes are cut into smaller pieces to allow packaging for WIPP. We also examine waste packages with a battery of special noncontact instruments to verify that what will be sent to WIPP -- verify that what will be sent to WIPP will comply with WIPP criteria. 1-1

Unacceptable packages will be made acceptable or they will not be sent out. Most of the transuranic waste at Los Alamos can be contact handled. That means wastes and packages can be

handled directly and manipulated by workers who do wear the dosimetry badges at all times. These workers receive little or no measurable radiation dose, and certainly no dose that even approaches, much less exceeds, any health standards.

There have been a lot of comments today that have implied that a WIPP truck on a routine traffic -- routine movement down the highway would systematically irradiate people as it's traveling. I want to take exception to that statement.

The routine transport of transuranic waste from Los Alamos in a TRUPACT-II container will not present any health hazard to the public because of the low level of external radiation coming from those packages. 1-1

UNIDENTIFIED SPEAKER: Before or after the accident?

MR. PUCKETT: I said the routine transport. The accident situation is different.

Once shipments of transuranic waste from Los Alamos to WIPP begin, a shipping rate of one TRUPACT truckload every other workday for about ten years is forecasted. That's two-and-a-half trucks a week. That's not one an hour like I've been hearing.

At that time, all of our accumulated stored waste and newly generated waste will have been removed. From that time on, we will only ship newly generated wastes and that will necessitate only one TRUPACT-II truckload every one to two weeks.

As I've said, all waste shipments that leave Los Alamos will be verified through the special operating and quality assurance procedures, all of which are regularly audited and verified that all NRC and DOT transportation requirements are complied with. A facility has been constructed in which the TRUPACT-II shipping containers can safely and properly be loaded with approved waste packages. 1-1

In closing, transuranic wastes are continuing to be packaged -- safely packaged, treated and stored at Los Alamos in preparation for their ultimate disposal at WIPP. The DOE has prescribed strict criteria for the final waste that will be shipped to WIPP, and compliance with all of these must be verified repeatedly.

The Laboratory continues to work diligently to reduce or minimize the generation of transuranic waste. Over the past two years, our

previous historic rate of generating the waste has been reduced by over 50 percent.

Until WIPP is available, we will continue to accumulate a growing inventory of transuranic waste in surface storage configurations. It has been in this configuration since 1970 and in the near term presents no hazards to our employees, the public or the environment.

Nonetheless, this can never be considered a permanent disposal option. It is imperative that the United States of America proceed with WIPP to demonstrate, with all appropriate and necessary safety documentation, that this transuranic waste be safely shipped and stored. 1-1

Finally, if I can be allowed a personal note, I am also a resident of the State of New Mexico. I live here, too. I see the same beauty that has been expressed all day. I travel our beautiful highways, also.

The State of New Mexico has been a leader in this country for decades on difficult, technical issues. We are now at a point where we have another opportunity to again show what I call national leadership. On the issue of WIPP, we can demonstrate that our society and our culture can

safely dispose of our transuranic waste. 1-1

Thank you.

MR. EIGUREN: The written comments of John Puckett will be entered as Exhibit Number 324 in the record of this proceeding.

(Exhibit 324 marked.)

MR. EIGUREN: Ladies and gentlemen, we're at a point where I've gone through the list of all the preregistered commentors and I'm going to call the names one more time in the event that I missed somebody, and I also realize that we have a few individuals who are not yet -- that might not be here because their scheduled time is just a little bit later in the evening. So I'm going to go through this list one more time. If the individual is here, I would ask that they step forward to the podium and give us their comments.

Douglas Conwell? Douglas Conwell?

Silvi Solomon? Silvi Solomon?

David Coffey? David Coffey?

Bonnie Bonneau? Bonnie Bonneau?

Peter Von Hoim? Peter Von Hoim?

Zona Deteatro? Zon Deteatro?

Catherine Pettus? Catherine Pettus?

Megan Hill?

Yes. Please step forward.

Megan represents Sunrise Springs. You have ten minutes for comment. At nine minutes, the green light goes on; the red light goes on at ten minutes.

Could we have your mailing address for the record, please?

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MS. HILL: My name is Megan Hill from Sunrise Springs Resort, Rural Route 14, Santa Fe.

MR. EIGUREN: Thank you.

MS. HILL: I will be a good deal briefer.

I support scrutiny and compliance with the Environmental Protection Agency standards before any radioactive wastes are either transported or stored at the Carlsbad WIPP site. I also support thorough review of the plan by both the State of New Mexico's Environmental Evaluation Group and the National Academy of Sciences. 1-3 3.1-2 3.1-3

In addition, certification of the TRUPACT waste container and alternative routes should be in place before there is any transport of wastes. 7.3.1-2

Love Canal, Rocky Flats, Comanche Peak and Chernobyl, plus increasing concern in general over already aging plants dealing with radioactive byproduct point in general to a fundamental long- 9-3

term poor planning in meeting our energy needs and obscure our need to pursue safe and abundant energy alternatives, such as magnetic induction and solar or geothermal sources.

Man has infinite ingenuity and capacity to adapt and make practical any new invention. In turn, those activities which capture our attention absorb increasing energy. Military, cancer research itself and now a poisonous source of energy become economies self-perpetuating on their own terms.

It is time to stop and look at what becomes a conflict of interest on behalf of our global community and our future. 9-3

MR. EIGUREN: Thank you.

Jean Bergeron? Jean Bergeron?

Mary Hall? Mary Hall represents the Social Concerns Committee of the Santa Fe Unitarian Church.

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Could we have a mailing address for the record, please?

MS. HALL: Can I be heard?

MR. EIGUREN: Yes, you can.

MS. HALL: My mailing address is 329 Sanchez Street, 87501, Santa Fe. I beg that you will overlook my poor eyesight and realize that I am

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looking you in the eyes even though I don't seem to be doing so. Thank you.

WIPP seems to be -- does that keep my voice from -- I'm having problems, then. I'll try it this way. WIPP seems to me like a juggernaut.

MR. EIGUREN: Mary, just a second. We're going to try to help you with the microphone.

MS. HALL: I do have to --

MR. EIGUREN: We'll hold the microphone for you.

MS. HALL: Thank you. WIPP seems to be like a juggernaut whose devotees are willing to sacrifice almost anything to keep it going. It rumbles along justifying its inappropriate haste by producing pounds of impressive documents and citing esoteric computer experiments to prove its infallibility, but real life paper and pencil common sense seems to be absent.

An example: in the fanfare of the TRUPACT demonstrations, never did I read of the worst case, but very real-life possibility of a TRUPACT truck at 65 miles an hour crashing into a vehicle coming from the opposite direction at the same speed. Freshman physics tells me that if this event were simulated, the container would have to be dropped from a height

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7.3.1-2
7.3.4-2
7.3.4.1-1

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of over 500 feet, not a mere 30.

Since DOE plans to have the trucks travel at the regular speed limit, common sense says that safety can legally be sacrificed to speed and expediency.

The garbage end of the nuclear fuel cycle appears to have had little scientific attention over the more than 40 years of our nuclear love affair. But now the closet doors are opening and nuclear sites all over the country are found to be leaking and dangerous.

We hear the names ringing in our consciousness: Fernald, Savannah River, Hanford, Rocky Flats. The list keeps growing. And in New Mexico's own secret closet, our federal watchdog, the GAO, has sniffed out the need for a Los Alamos and Sandia cleanup which will cost two billion tax dollars.

How can we have confidence in the word of DOE when it has such a history of coverup for releases of radioactivity, both "routine" and unplanned.

I have met scientists involved in evaluating the WIPP site who did investigations that showed potential radioactive contamination. I was

7.3.1-2
7.3.2.1-6
3.2-1

shocked to learn that these negative conclusions were not wanted in the DOE records.

The attempts of ambitious politicians to speed up the WIPP by bypassing EPA's safety regulations and even trying to weaken the law itself cannot be tolerated. The juggernaut must be stopped.

I want to add just a few words, if I have a little time. I am really struck by the papers of Dr. Gould and Dr. Sternglass. It seems that what we have felt in our hearts, as we have watched the juggernaut roll, is even truer than we thought. The dangers to people are very hard to pinpoint because it's very hard to trace whether a particular exposure to a very small piece of plutonium was responsible for the cancer maybe 15 years later.

I look back at my college catalog, my college bulletin, and note the deaths, and almost invariably they are cancer; a few heart attacks, but almost all of it was cancer. I believe that we have a cancer epidemic in this country that we are not recognizing.

I fear that all the evidence that has come out today, which I have found fascinating and I would like to see it debated, shows that we are in

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more danger even than we citizens who are not scientists have thought.

I thank you DOE people for giving me the opportunity to speak.

MR. HIGUREM: Thank you. Mrs. Hall, we'd like to have your written comments.

Thank you, Mrs. Hall. We're going to include your written comment as an exhibit in the record. It will be Exhibit 325.

(Exhibit 325 marked.)

MS. HALL: Thank you, sir.

MR. HIGUREM: Thank you. Ladies and gentlemen, we have gone through our preregistered commentor list at least three times. At this point in the hearing, we are now at 7:10 and we had indicated to all preregistered commentors that they should be here approximately 30 minutes in advance of the time that they were scheduled to comment. Our last scheduled commentor was at 7:50 within this first block of commentors.

What I'm going to do is now move into the question-and-answer period, but I do want to note that if we do have any additional public interest representatives or elected officials who are preregistered to comment for our session here today,

3.1-2

when they come in, we'll take them -- we'll take their ten-minute comments at the conclusion of the question-and-answer period.

What I'd like to do at this point is, once again, remind you that the rules of this proceeding do provide that the elected officials, as well as the designated spokesmen for Indian tribes and state agencies, as well as the designated spokesmen for the various public interest groups that are participating in this public hearing, will have the opportunity to ask questions of our hearings panel here in the front, which includes Mr. James Bickel and Mr. John Arthur.

What I'd like to do, in order to help expedite this, is I would like to have all of you who have previously commented that would like to ask questions of the panel to please come up here to the first row so we have an idea of how many folks are going to question.

I expected Mr. Hancock to be up here first. What we'll do is we'll just have all the folks who are asking questions sit up here in the front, and as they come in, we'll go ahead and take their questions.

I'd like to remind the questioners that

the rules of this proceeding do provide that you're entitled to ask a main question and a follow-up question. I would request that you would keep your questions as succinct and direct as possible. Also, I would admonish the hearings panel to be as succinct and direct in responding to the questions that are put to you.

Also, as I say, each of you can ask a main question and a follow-up question. It has been my practice to allow clarifying questions if something isn't very clear and you can follow up with a clarifying question. So what we're going to do is go ahead and begin our question-and-answer period.

I'm going to call on Mr. Don Hancock as our first questioner. Mr. Hancock, you can proceed with your main question, if you need to give some background material, but don't make another statement, if you would for the record.

MR. HANCOCK: You may be surprised. I may be able to be pretty brief and to the point, Mr. Hearing Officer.

MR. EIGUREN: I'd appreciate that, Mr. Bancock.

MR. HANCOCK: This is a question for Mr. Arthur.

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On page -- among other places, on page S-15 in the Draft SEIS, your document says for truck shipments of TRU waste the total estimated risk for the projected 25-year test and disposal phases are 8.3 fatalities and 106 injuries for the proposed action or plan.

So I then look at Chapter 5 of the document in the socioeconomic section to see what your calculation of the costs of those deaths and fatalities -- or those fatalities and injuries are and I don't find anything.

My question is, what kind of calculation did you do about the socioeconomic costs associated with those fatalities and injuries and why were they not included in the document?

MR. EIGUREN: Very direct question.

Mr. Arthur?

MR. ARTHUR: First of all, you are correct on the 8.3 fatalities; there was no calculation of a loss. As you're well aware, it's very hard to attribute a loss of life, but I'd like to make a point to clarify that, a point that hasn't come out.

MR. HANCOCK: Go ahead. I'm going to need to follow up if he's not going to answer the

7.2-10

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question.

MR. ARTHUR: Well, your question, I believe, was why wasn't it calculated or was not calculated if we have more details or something. We would be glad to address that in the final, but the point I want to make is 8.3, we feel, is a very high number, it's a number I grant you that was put in this Environmental Impact Statement -- it only is related to average statistics nationwide.

I'd like to also point out to you that the Department of Energy, Albuquerque Operations Office, now has well over 60 million miles, that's approximately well over two-thirds of the amount -- or even three-quarters of the amount projected in this whole program, with zero fatalities. That's actual based on our programs.

I'd like to say that it's due, we definitely know, to the far superior safety record than is implemented.

MR. EIGUREN: Mr. Hancock, is that responsive?

MR. HANCOCK: Not -- no, it really isn't because I quoted 8.3 fatalities and 160 injuries. If DOE doesn't want to calculate the financial costs involved in the 8.3 fatalities, it seems to me they

7.2-10

have to have some kind of numbers in terms of the 106 injuries and what the costs of injuries are and those aren't in the document, either.

Is it your position that you haven't done any calculations whatsoever on either the deaths or the injuries that --

MR. ARTHUR: No calculations of that were in the EIS, you're correct.

MR. EIGUREN: The answer is no. Your follow-up question.

MR. HANCOCK: My follow-up question is to Mr. Bickel. I like to spread my questions around so that they don't feel lonely.

Mr. Bickel, as you may remember, or you may have forgotten, my testimony this morning focused primarily on administrative land withdrawal issues, which primarily noted more than a dozen specific issues that were not even addressed in any way in the document.

My question to you is, what analysis has the Department of Energy conducted that's not included in the SEIS, but what documentation does DOE have from its own technical and legal people about the legal and technical both advisability and legality of the requested administrative withdrawal

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that DOE has filed with the Bureau of Land Management?

MR. EIGUREN: Mr. Bickel.

MR. BICKEL: Don, I'm an engineer and I'm not a lawyer. I would have to have my lawyer here to answer that question. I'm not qualified to answer it.

MR. HANCOCK: Does that mean that your lawyers don't have an opinion or you just don't know what they are?

MR. BICKEL: I don't know how to answer that question. I'm sure they have an opinion, but what that opinion is, I do not know and I would not be qualified to tell you, even if I did.

MR. EIGUREN: Mr. Hancock, what we will do, as the Hearing Officer, I promise you we'll get an appropriate response to you in writing from the lawyers on that.

MR. HANCOCK: That would be helpful, and it would also be helpful if it was in some way included in or referenced in the legal document that the Department of Energy is --

MR. EIGUREN: We'll put it in the record. Thank you, Mr. Hancock.

I next call the gentleman to Mr. Hancock's

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left. If you could please state your name, sir, for the record, again. 15-Jun-89: QS-00350, PAGE 1 OF 5

MR. MC DONNELL: My name is Bill McDonnell. I'm with Public Data Access in New York.

MR. EIGUREN: Could we have your main question, please?

MR. MC DONNELL: Yes. I'm going to read this question. I have a little bit of follow-up information, but I'm not going to launch off into a speech.

MR. EIGUREN: Thank you.

MR. MC DONNELL: The SEIS suggests that 50 percent of the CH TRU waste will come from the Rocky Flats Plant. Yet just this last week, we have seen that Rockwell, manager of Rocky Flats, is under investigation by the US Justice Department. 75 FBI and Environmental Protection Agency agents raided Rocky Flats on June 6th. Among other crimes, the affidavit charges that employees dumped toxic chemicals into creeks leading to the Denver drinking water supply. The affidavit also stated that there is, quote, "probable cause to believe that Rockwell and the Energy Department officials have knowingly and falsely stated Rocky Flats' compliance with

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environmental laws and regulations and have concealed Rocky Flats' serious contamination."

Only recently, a year or two ago, Rockwell lost its contract with the Hanford facility after, among other things, knowingly exposing the governor of the state to radiation and concealing the fact from him. Yet after the incident, and many others at Hanford, the DOE allowed Rockwell to manage the Rocky Flats Plant and even awarded Rockwell an 8.6 million dollar bonus for its excellent management; now, there again, even though these tremendous abuses, this time with the Justice Department.

Here is my question -- thank you -- what possible assurances does the public have that the Department of Energy and the employees at Rocky Flats would not deceive them at the WIPP facility? For example, as the waste is transposed or -- I ask my question to --

MR. EIGUREN: Mr. Bickel will respond.

MR. MC DONNELL: I would like the response from both, if possible.

MR. EIGUREN: Mr. Bickel will respond.

MR. BICKEL: First, let me note that these are allegations which have been made as far as Rocky Flats is concerned. I still hope the presumption of

innocence until proven guilty is alive and well in this country. It still remains to be seen what comes out of that investigation.

We, the Department of Energy, are fully cooperating in that and we hope that it's brought to a very speedy conclusion. It's unfortunate.

What assurances can we give you? First of all, all the people that we have working at the Rocky Flats Plant and in -- are what we call Q cleared; in other words, they have been checked out by the FBI, they have a Q clearance, as far as security procedures are concerned, and they've had the very best background investigation that anybody could have working in a government facility.

The other thing I would add to that is if you heard what Mr. Puckett said when he was at Los Alamos about all the procedures, all the checks and balances that are built into the waste acceptance criteria procedures that they have to go through at Los Alamos, the very same procedures apply at the Rocky Flats Plant, and on all of the -- as this waste goes through the plant, there is a traveler and this traveler has to be signed by two people at all times to verify that, in fact, what is in that drum is in there. There are tamper-proof seals. We

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go through elaborate security procedures to make sure that we know exactly what's in that drum and nobody can tamper with it.

MR. EIGUREN: Mr. Arthur? Mr. Arthur, also, will give you a response, Mr. McDonnell.

MR. ARTHUR: Not to duplicate, but in addition to what Jim stated, that through the waste acceptance criteria which you were referring to we will have the state involved in that, as appropriate, and also the Environmental Evaluation Group. So there will be independent oversights long after.

You're right, there have been allegations made about the credibility and, again, it's just not in a vacuum. We welcome that oversight.

MR. MC DONNELL: Do you think that Rockwell should have gotten the 8.6 million dollar bonus?

MR. ARTHUR: That's not my -- to be honest with you, I do not work at Rocky Flats. I'm DOE Albuquerque and I'm not going to speculate.

MR. MC DONNELL: This is going to be Rocky Flats' waste that's going to come here.

MR. ARTHUR: I apologize, but I can't speculate on that as much as I would like to give

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you an answer.

MR. EIGUREN: That was Mr. Arthur responding. Mr. Bickel?

MR. BICKEL: I'm not qualified to speculate on that, either.

MR. MC DONNELL: Thank you.

MR. EIGUREN: Thank you.

Dr. March, if I could have your full name for the record.

DR. MARCH: I'm Dr. Robert March. I think I have two simple questions. Unfortunately, I don't have the newspaper articles that one of them comes from -- the first one. But I was reading, I think, in a local paper, it was either the Albuquerque Journal or the Albuquerque Tribune or the New Mexican yesterday that there was some talk about a crush test or a crush scenario accident and somehow I was reading that a DOE spokeperson said that the container would not be crushed, but what was inside the container would be crushed.

I just found that, you know, that that defies the law of physics. Was this a misprint in the paper where someone said that an inside container would be crushed and not the outside container?

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7.3.1.1-9
7.3.4-2

MR. EIGUREN: Mr. Bickel will respond.

MR. BICKEL: In the Supplemental Environmental Impact Statement, we did talk about the crushed environment. What we said there was not correct. What we were talking about, when we talked about crushed -- you're talking about the contents, in other words, the type A containers which would be inside the TRUPACT.

We have since, because of that -- and this is not the first time we've received this comment -- we've gone back and we've talked on several occasions to the NRC, they are the people who are certifying the casks, you know, that's their job, and they are looking at the crush test, but the crush test they are talking about is on various -- on very small shipping containers, like 40 pounds for medical purposes, and that sort of thing where you would have multiple containers contained inside something else. But the NRC has told us they have no plans for crush test on shipping containers the size of TRUPACT and, again, we have met all the requirements of the NRC has levied on us.

MR. EIGUREN: Your follow-up question, Doctor.

DR. MARCH: I don't think that will

7.3.1.1-9
7.3.4-2

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address what I asked for. I didn't really hear that being addressed.

The second question I have is in Mike Synar's hearings, recent hearings, he revealed some information -- or actually said that the DOE has admitted to it, the fact that the five-test plan would not be long enough -- the five-year period would not be long enough to generate sufficient information about what the tests were -- the purposes of the tests were. In other words, after five years, they wouldn't know enough information from the tests that these folks needed to know from it, and I'm wondering if you did know that, why do you talk about a five-year test plan in the SEIS? And also now that you do know that, if you admit to that, now that you do know that, what are the plans of making a supplement to the supplement that talks about the environmental impact of going longer than five years with the test plan phase?

MR. EIGUREN: Mr. Bickel will first respond and then Mr. Arthur.

MR. BICKEL: I was not at the Mike Synar hearings, so I really don't know what was said one way or the other, and I'm kind of like you all, all I know is what I read in the paper.

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7.11-1

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I did not see anywhere where we said that at the end of five years that we would not know, you know, whether or not we're under performance. In fact, now what we're saying is that between three and five years, we feel that we'll have enough data to do the performance assessment.

That is the reason that the Secretary of Energy, Secretary Watkins, has gone to a phased approach where he proposes that we put in something less than three percent of the waste, that's 25,000 drums or less, during the additional three years.

At the end of three years, then we will take a hiatus where we step back, we look at the data we have, we make a conscious determination as to whether we can do the performance assessment at that point in time or whether we need another two years of additional waste in order to do the performance assessment.

MR. EIGUREN: Mr. Arthur?

MR. ARTHUR: To add on to that, first of all, we did go into these tests based on the evalution -- DOE evaluation of our contractor, Sandia National Laboratory.

Again, to add on to some statements made today through many of the comments about just DOE

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7.11-1

making decisions, that same test plan right now is being reviewed by one of the highest scientific panels in the United States, the National Academy of Scientists, and also the Environmental Evaluation Group is looking at it.

So, again, we have confidence that again good oversights are looking at it. We're looking forward to the results and working that, too. If any changes need to be made in the plan, then we'll make them.

DR. MARCH: Mr. Arthur, in your knowledge, there is no information about meeting the five years of the test plan?

MR. ARTHUR: I've seen statements -- first of all, we feel that the bin-scale tests, the smaller scale tests, can accommodate all the necessary results, and I personally have not seen anything up above that.

As far as the EIS and the assessment of impacts, we do assess the impacts in that document of up to ten percent of the waste for up to the first five years, whereas the number we're looking at right now is in the three percent range.

I think we have the actual analysis from the environmental perspective.

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DR. MARCH: Thank you.

MR. EIGUREN: Thank you.

I next call on the 15-Jun-89: QS-00331, PAGE 1 OF 4

MS. MEROLA: My name is Michele Merola. My question is --

MR. EIGUREN: Michele, we can't hear you.

MS. MEROLA: According to the EEIS, your proposed action will result in several deaths and numerous injuries in the course of the transportation and routine releases of radioactivity into the atmosphere, causing exposure to workers in the public and a number of latent cancer fatalities, and these calculations are far too low since human error is never considered. Then you propose an action that -- a no-action plan, which the EEIS admits would have no adverse environmental impact.

In fact, on page five of that it is stated that TRU waste could be stored at INEL for several decades, or even a century, with no adverse impacts.

My question to you is, why did you select the option that will certainly kill people and contamination the environment? What is your justification for that?

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5.2-2

MR. EIGUREN: Mr. Arthur will respond.

MR. ARTHUR: First, I might add that that is a proposed action. The other alternatives are still fully under consideration.

There are two points to that question. Again, the selection will not be made until we get through this environmental process. Human error was also, I think, a question you factored there and that statement was heard loud and clear throughout the country, and we will look at that, if necessary make changes to the EIS, but on your statement -- for instance, if you take a look at the eight fatalities, I feel fully that human error is factored in there, otherwise you wouldn't have eight fatalities. And that's why I said earlier if we take a look at that same record, Department of Energy is proud of the record we have nationwide -- just out of Albuquerque, with well over 60 million miles without one fatality -- and that's radioactive waste shipments.

It's due to what we feel is an excellent safety record and, again, we're going to make sure that that happens all the way through it.

MR. EIGUREN: Is that responsive?

MS. MEROLA: No.

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5.2-1
5.2-2

MR. ARTHUR: There is one other question on action.

MS. MEROLA: My question is, why did you select the action that will certainly result in deaths and environmental contamination, when you have the option of choosing a plan that would do neither?

MR. ARTHUR: First of all, that action is still fully under consideration.

MR. EIGUREN: Mr. Arthur will respond.

MS. MEROLA: I'm sorry, could you start again?

MR. ARTHUR: Again, I stated that we're going to go through additional analysis, if necessary, between the draft and the final. That's a proposed action at this time. We still feel that many of those impacts, in particular those eight fatalities, would never be realized.

MS. MEROLA: What about the contamination of the environment?

MR. ARTHUR: Which specifically are you referring to?

MS. MEROLA: Radioactive releases into the atmosphere and into the groundwater.

MR. EIGUREN: Mr. Arthur will respond.

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5.2-2

3.1-2

MR. ARTHUR: In our analysis -- you're talking about long-term impacts?

MS. MEROLA: I'm talking about any impacts whatsoever.

MR. ARTHUR: We feel they are all within the applicable guidelines.

MS. MEROLA: So you feel it's acceptable to contaminate the environment with radioactivity?

MR. ARTHUR: No. Again, the Department of Energy does not feel like that. Again, I'm speaking for the WIPP and the programs. We're going to minimize that, we're going to be within all the regulations.

3.1-2

MR. EIGUREN: Thank you.

MS. MEROLA: Thank you.

MR. EIGUREN: I call on Mary Hall. If we could have your name for the record, please.

MS. HALL: Can you hear me?

MR. EIGUREN: Yes.

MS. HALL: Could I note that the gentlemen were all called by mister or doctor. We two ladies were called by our first names. No one asked us what degrees we have.

MR. EIGUREN: I apologize.

MS. HALL: Thank you.

MR. EIGUREN: Is it Mrs. Hall or Dr. Hall?

MS. HALL: Mrs. Hall.

MR. EIGUREN: Mrs. Hall, please proceed.

MS. HALL: Thank you. I was very much struck by two or three speakers who spoke here. I was very interested in the Sternglass, the Gould and the McDonnell presentations, which I thought go right to the heart of our mistrust of the DOE.

I have looked through the SEIS and I have not seen references to the fact that low-level radiation is perhaps more dangerous than the grosser releases. I think that the information that has been given this afternoon is very startling to those who have not paid any attention to it; the fact that an x-ray can be less harmful than a very small dosage.

I'm not a scientist, therefore, I cannot cite chapter and verse, but I got the idea, boys, and this is the thing that I would like to know, are you going to pay any attention to these -- these ideas?

I am a member of John Gofman's physicians -- let me get the name right -- but, anyhow, his group, and I have heard Sternglass denigrate over

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the years that I have been working against nuclear power, and I would like to know if these recent hearings are bringing out information of recent data that substantiates some of the earlier allegations done by people like Alex Stewart, John Mancuso, and various others that say that low-level radiation is very dangerous.

I thought that the fall-out figures substantiated Gofman's allegations about the effects of Chernobyl -- and are you going to factor these into the WIPP decision? That's my question.

MR. EIGUREN: Mr. Arthur will respond.

MR. ARTHUR: First of all, in recognition of the three gentlemen's statements that you referenced that were made, we will take those fully under consideration.

First of all, this is not -- to quote, I think, a statement that Bob Neill made at one time, low-level radiation -- this is transuranic which has a different definition and a higher what they call linear energy transfer.

The factors that we're using as our risk factors in this Environmental Impact Statement uses what's called a BEIR-3, and to stay away from acronyms, it's Biological Effects of Ionizing

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Radiation Report, we've used what we felt in all honesty was the best risk factors available for the types of radiation we're talking about.

And, again, I will respond to that fully in the written record as we go through and discuss it appropriately with the commentors on that.

MS. HALL: May I have a follow-up?

MR. EIGUREN: Yes, you may.

MS. HALL: My impression is that the BEIR Reports have been outdated and that the -- the more delicate ones that have come up about fetal effects of low-level radiation and now this young adult effect of low-level radiation are very important and I would like to know that they are being really paid attention to and I hope that I can see in the future documents that you really have considered this.

MR. EIGUREN: Mr. Arthur will respond.

MR. ARTHUR: Just one response to it. Again, it will be considered.

I'm not an expert in that particular area, and I don't want to get into more detail than that, but I will get others as appropriate to discuss it with you, but, again, International Atomic Energy Agency, the EPA and a lot of other agencies are still using the reports that we use with this

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information and again they have a lot of different international and national groups looking at that, such as International Council on Radiological Protection, and we felt that we were using the best that's available, but I will take your comments under consideration.

MS. HALL: Thank you. If you would get in touch with John Gofman, I think you would hear another story, so please do.

MR. ARTHUR: Thank you very much.

MR. EIGUREN: Thank you, Mrs. Hall.

State your name fo

DR. HICKEY: Yes, I'm Dr. M. Calico Hickey.

MR. EIGUREN: Thank you, Doctor.

DR. HICKEY: I would just like to ask why, if you have so much faith in this draft that you put together, why you did not mail it out to those that requested it so that we could have had the chance to review it and to comment on it?

MR. EIGUREN: Mr. Arthur is going to respond.

MR. ARTHUR: We have an office and I can guarantee you that everybody that our people had requests from, we did our best to mail it. I assume

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you asked for one and did not receive it.

DR. HICKEY: Three times. I want to thank your staff because they did make a place for me. I requested a time to speak, also, and never heard back from anyone in your office; three times I asked for that. And I want to thank your staff because they did make room for me to comment tomorrow on a draft that I haven't read yet. So I want to thank for you that.

MR. ARTHUR: In all honesty, I might -- we've done our best in the public information of this document, and I think personally we've had a very outstanding program, and I apologize for any inconvenience to you. I'll see that you get one.

MR. EIGUREN: Thank you, Doctor.

Ms. Reson?

MR. ARTHUR: I'm not a doctor, by the way.

MR. EIGUREN: May we have your name for the record?

MS. RESON: Yes, my name is Myla Reson. On June 3rd, we read in the New York Times that there are cracks in the repository that had been known to DOE since December of 1987.

I asked Dr. Chaturvedi to describe the

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dimensions of the cracks to me, and he told me that when he was in the room there was a worker who was drilling in the ceiling and that dust was coming out a hundred feet away.

MR. EIGUREN: Okay.

MS. RESOM: He explained to me that there is a fracture in that room that runs parallel to the ceiling and that it's 30 feet wide and 100 feet long and it comprises an area of 3,000 square feet, and I believe that the implications of these cracks are not only that they cast grave doubts on the future retrievability of the waste, but that they also provide a possible pathway for the waste to enter the Rustler aquifer and also provide a pathway for the pressurized brine in the repository, which is pressurized at 27,000 parts per million with hydrogen-sulfide gas, which is highly explosive and corrosive, which can eat through steel and concrete, so it forms a pathway for that brine to enter the repository, and if it were to enter the repository, I believe that you would lose control of the site.

I am wondering why that information, since you knew of it in December of '87, was not included in the SEIS, and I would just like to say that when Bob Aly from CARD asked a similar question in

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Albuquerque, Mr. Bickel responded by saying that there had been reams of information published about it, but that didn't directly answer the question.

I would like to know specifically why you didn't think that it was appropriate to analyze the situation and to put the information in the Supplemental Environmental Impact Statement.

MR. EIGUREN: Mr. Bickel is going to respond.

MR. BICKEL: First of all, I would like to personally talk to the New York Times reporter about the problem and, you're right, we have known about the problem for approximately a year-and-a-half. There has been quite a few discussions on it.

The crack is much like what you described. We've known -- we've been measuring that crack and watching it. And in the two rooms that you're talking about, we did not do what's called -- a very common mining procedure which is called rock bolting where you put bolts into the ceiling to make sure that you don't get cracking and the ceiling doesn't fall.

What we wanted to do in those rooms is to see how the rooms would enclose themselves

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naturally. There was a conscious decision about a year ago, to the best of my recollection, as to whether to rock bolt or not, and the decision was made not to. Now, the thing that's causing the cracking in those two rooms is there is a clay seam, and in the salt formation, the clay seam like that is a weak spot. It's going to crack as the room closes. It's going to be at the weakest point, and the weakest point, at least in that area of the mine, is the clay seams.

We learned quite a bit from that. As a matter of fact, over in panel one where we will be emplacing the waste, although we have not started machining out the alcoves where the initial waste will be in place, we are rock bolting. We will rock bolt in those alcoves where we will emplace the waste which will assure us that there is more than a sufficient amount of time for us to emplace the waste through our environmental program and then we intend on relieving that waste from the alcoves before we permanently emplace it somewhere else.

Now, the second part of your question is what would keep it from fracturing again?

MS. RESON: I think my question was, why did you not just have a discussion of the crack and

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the rock bolting and all of that in the SEIS? That's the question.

MR. BICKEL: I think the bottom line is that there is a very easy fix for it, which I have just said is rock bolting. It's very common in the mining industry and it -- you know, in our history. I guess we will go back and we will re-examine that and if we really feel like that there is some environmental impact as a result of that, we will include it in the Final Environmental Impact Statement.

MS. RESON: Are you then saying that the cracks only provide a potential pathway?

MR. BICKEL: That was what I was trying to answer when you asked me the other question.

Even though we know that when we mine the mine, we do have a disturbed zone -- in other words, you get fracturing out into the salt -- we have gone back and we have measured the permeability beyond that fracture zone and we know that we have extremely low permeability from the fracture zone out, which means that we've maintained the integrity of that site and that there are no paths to do what you just described.

MS. RESON: Doctor -- one more.

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MR. EIGUREN: You can have a follow-up question. Please, go ahead.

MS. RESON: Dr. Chaturvedi told me that he believed that the rock bolts did not guarantee the structural integrity of the site and that the entire ceiling could collapse, rock bolts and all.

MR. BICKEL: That's strange because I talked to Dr. Chaturvedi last night and he said essentially just the opposite. I'd be interested in you providing that reference for the file. 7.7.2-1

MR. EIGUREN: That's Mr. Bickel responding.

MS. RESON: Thanks.

MR. EIGUREN: Thank you.

As I indicated earlier, those who were entitled to ask questions at this point in time were those who were designated spokesmen for various public interest groups. Concerned Citizens for Nuclear Safety had said they could not be here, so we're going to allow Mr. Richard Miller to ask questions in their stead.

MR. MILLER: Thank you.

My question's a pretty easy one. We've heard a lot about EPA standards today, and I'd like to ask a question: What are your plans if the WIPP 3.1-3

site does not meet EPA standards now? This is about either retrieval of the waste that's there and alternative means of storage or whatever.

MR. EIGUREN: Mr. Arthur will respond.

MR. ARTHUR: First of all, in the supplement, we did assess the impacts, what it would be to bring the waste to the surface. As far as where that waste would go, we also did make commitments in the supplement in the event that we ever did -- you know, through the end of that and it would -- and a failure mode, and the waste would have to be removed and that we'd do the proper environmental documentation at that time. 3.1-3

We feel that that kind of decision, first of all, is a long ways from being made -- three to five years. We feel quite confident that that waste would not have to be removed from the facility. We also state in the document that there are a number of options that could come out at the end of the test phase. For instance, the waste in its current form, after the end of the experiments, could meet the acceptable standards. There could be required to be various engineering modifications, such as gas getters or bentonite added to the backfill or, on the other hand, there could be the potential need

for treatments, and that's why we proposed to run the experiments, to determine what, if any, is required.

And, again, I commit fully that we'd do the proper environmental documentation as required.

MR. MILLER: Was there a reason that wasn't included in the Supplemental Environmental Impact Statement, what you just told me?

MR. EIGUREN: Mr. Arthur?

MR. MILLER: About the other --

MR. ARTHUR: First of all, if it's in reference to what would happen if the nation's first nuclear repository would fail, it would be a highly political decision in some cases where that waste will ultimately go and that's again why we did not evaluate that at this time, and that decision is a long ways from being made.

MR. MILLER: Thank you.

MR. EIGUREN: Thank you, Mr. Miller.

Two other individuals have come to the front row. I assume that you wish to ask questions -- either of the two of you at the far end.. Sir? Yes, if we could have your name for the record, please.

MR. FITTMAN: I'm Scott Fittman. Earlier

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3.2-1

a question was asked about the credibility of the DOE, referencing the Rocky Flats. Mr. Bickel says that he believes that it's innocent until proven guilty, implying, I guess, that if you don't believe what's happening at Rocky Flats is actually happening, or has no credibility.

So I have a further example that has been proven and I would like you to respond to that. In regard to the credibility of the DOE to protect the environment and the public's health and interest in the nuclear programs of the United States Government --

MR. BICKEL: Are you telling me the indictments have been issued at Rocky Flats?

MR. FITTMAN: No, I'm not. I said -- I'm going to give you another example. I'm convinced that Rocky Flats has not been in compliance, and I'll wait for the outcome and then I'll write you a letter and ask for your response to that, what has been proven, and so then we can get past the innocent until proven guilty and get to the bottom line, which is the credibility of the Department of Energy.

MR. BICKEL: Why we are here today is to discuss the Supplemental Environmental Impact

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Statement for the WIPP project and the -- what I can assure you is, is that there is a tremendous amount of independent oversight where the WIPP project is concerned.

We have the NRC looking at the TRUPACT, we have the EPA, we have the Congress, we have the public at large -- that's why we're here -- we have the Environmental Evaluation Group, which represents the state, we've got the Environmental Improvement Division which represents the state, we have several organizations from Westinghouse and within the Department of Energy, we have three or four different levels of people who are providing that oversight. 3.2-1

We are only responsible for the WIPP site. We can't sit here and defend the entire Department of Energy. The only thing that we can do is do the very best job that we know how to do to ensure the health and safety of the citizens of this country where the WIPP project is concerned.

MR. EIGUREN: Mr. Pittman, your follow-up, sir.

MR. PITTMAN: Well, my question has to do with the credibility of DOE. I don't care if it's the Albuquerque branch of DOE or if it's the head of

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DOE in Washington, DC.

MR. EIGUREN: Mr. Bickel will respond.

MR. BICKEL: What is your question?

MR. PITTMAN: At Hanford, there was a two --

MR. BICKEL: Give me your question. What was your question?

MR. PITTMAN: This is my question.

MR. BICKEL: Let's just ask a question, no more statements. What's your question?

MR. EIGUREN: Mr. Bickel, let the gentleman ask his question.

Mr. Pittman, please ask your question, sir. 3.2-1

MR. PITTMAN: At Hanford two EPA investigators were exposed to high-level radiation. That -- both inspectors were withdrawn from Hanford and the EPA inspectors have not been allowed back onto the site for further inspection.

So my question to you is, why shouldn't that happen at WIPP or any other place once radiation exposure has happened and then it falls back, having the wolf guard the chicken house?

MR. EIGUREN: Mr. Bickel.

MR. BICKEL: Again, I'm not familiar with

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the incident at Hanford at all, and all I can tell you is as far as the WIPP site is concerned is we have oversight on top of oversight and a lot of them are independent of the DOE.

MR. PITTMAN: Well, the EPA is independent of the DOE, but they are no longer inspecting the Hanford site. Thank you.

MR. EIGUREN: Thank you, Mr. Pittman. Francine Allen.

MS. ALLEN: My question is very simple and direct. Are the taxpayers -- we the taxpayers have already paid 700 million dollars for a mistake that's happened and possibly going to keep happening.

My question is, are the taxpayers going to be responsible and are they supposed to be saddled for paying for cleaning up the inevitable accidents that will happen either along the route or at the site itself that they are already paying for, but are the taxpayers going to be responsible for that as well?

MR. EIGUREN: Mr. Arthur.

MR. ARTHUR: First of all, it's a twofold question. In reference to 700 million dollars that's been spent to date, you are correct, that's

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the construction costs of WIPP and it is not -- not a feasible facility.

That decision to construct that was made in 1981, and it is correct that 700 million has been spent. We feel quite confident that all of it will comply with the standards, that's why we propose to go into the next test phase.

In reference to taxpayers' money to take care of cleanup, again, if there would be an accident related to radiation, that would come under the Price-Anderson Act. If there was a radiological release, that money, as I understand it, is really the taxpayers' money, but again we feel quite confident -- let me put quotes on it -- that you're never going to have an accident of the magnitude of some of the references that have been made here today.

MR. EIGUREN: Ms. Allen, your follow-up question.

MS. ALLEN: Well, it seems that the transportation question, especially with the statistics that have been shown today with the number of drunk-driving incidents that happen along the 285 and along 25 and all along the WIPP routes, it seems that there is a very high chance of an

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accident happening.

Have you taken -- I know that the earth can't necessarily speak for herself, although have you taken into account that it's possible that these accidents will occur and the DOE, who is responsible for this to happen, is not going to take the responsible actions in the event that that does happen?

MR. ARTHUR: You asked a bunch of questions there. Just one at a time. I apologize on this one. Get right to the point, if you can.

MS. ALLEN: This is real easy. Have you thought about the earth at all in this whole thing, our survival, and that by our destroying the earth, we're destroying ourselves? I just would like to know if you even considered that.

MR. ARTHUR: First of all, I love the environment very much. I live here in New Mexico.

MS. ALLEN: Department of Environment, right?

MR. ARTHUR: I live in New Mexico as an individual and I think today I might have lived somewhere else.

I love the environment and I've never taken an action personally that I thought would

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cause any damage to it, and that's in all honesty.

Transportation, again, we presented the best information we have in this document and we've heard a lot of good comments on it and we're going to take them fully under consideration, but we're trying to be as environmentally conscious in this as we can.

MR. RIGUREN: Thank you.

MS. ALLEN: Thank y 15-Jun-89: QS-00329, PAGE 1 OF 5

MR. RIGUREN: Dr. Weisberg from the Sierra Club. Would you give your name for the record?

DR. WEISBERG: Yes, Maurice Weisberg.

MR. RIGUREN: Thank you.

DR. WEISBERG: I don't know whether that question was followed up on the matter of the RH propelled canisters which we have -- currently have no information about the canister itself. We know that the remote-handled waste can have as much as a thousand rem on the outside and, therefore, you're talking about a container which will be delivering radiation close to what high-level waste would represent.

And the question is, none of this was mentioned in the SEIS, and why was this left out? This is a very important matter, involves the

3.1-5

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radiation effects. If there was a breach, it would be far greater than anything we get out of the contact container.

MR. EIGUREW: Mr. Bickel will respond.

MR. BICKEL: I think we're both going to respond to that question.

First of all, you're correct, we have not started development on the RH cask yet. That cask will be NRC certified. We're getting ready to go out on that contract now. The cask that -- we have a pretty good idea of what it's going to look like and essentially it will be a steel bound model of the cask which will be certified to haul the waste from TMI to NTS, and I can assure you before we ever move any RH waste that cask will be NRC certified.

Now, as far as your question on the SEIS, I'll turn that over to Mr. Arthur.

MR. EIGUREW: Mr. Arthur?

MR. ARTHUR: In reference to that, we do make statements in the SEIS as far as a comparison for contact-handled waste in the TRUPACT, as opposed to what is expected ultimately for RH waste in the appropriate containers.

And our analysis was that, of course, the overall activity concentration between the two seems

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to be the best information we have right now, very close, because with an RH canister, you have one drum as opposed to approximately three times this on the TRUPACTs.

DR. WEISBERG: Is this container going to be anything like the use for the high-level waste? Will it be as carefully designed as what they have for the high-level waste?

MR. EIGUREW: Mr. Bickel?

MR. BICKEL: Again, it will be very similiar to the cask which was used for TMI, and that cask went through a very rigorous testing program, and I'm sure that we will do the same with this one.

DR. WEISBERG: Well, the reason I bring this up is because these casks, which are now carrying the high-level wastes, have never been apparently fully tested on the -- on real models. They were put out and tested only on small-scale models or computer modeling and there was never really any test on the container itself as a full-scale model, so everything that's going on the highways today, every truck carrying high-level wastes, are carried in containers that have never been fully tested.

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Luckily, we haven't had a serious accident yet, but the point is, if it's going to be anything like the -- what was done with the high-level, we have a lot to worry about.

MR. BIGUREN: Mr. Bickel will provide a response.

MR. BICKEL: I can't comment on the high-level waste program, but all I can say is that if the TRUPACT-II is any indication, we will -- when we get ready to certify that cask, I'm sure we will do extensive full-scale testing on that unit.

MR. BIGUREN: Thank you, Doctor.

MR. ARTHUR: In addition to that, there is -- no RH waste will be shipped until that cask is certified.

MR. BIGUREN: That was Mr. Arthur responding.

MR. BIGUREN: Doctor?

DR. WEISBERG: I think the question is on the TRUPACT. Are you going to do it on these other containers, the use for the RH waste?

MR. BIGUREN: Mr. Bickel?

MR. BICKEL: Based on the conversations that we've had with NRC and where the applicable -- and as I said earlier on smaller units like 40-pound

units, I would think that the NRC's position is that the crush test would not be appropriate on the shipment.

MR. BIGUREN: Thank you.

Thank you, Doctor.

Is there anyone else in the question-and-answer group?

With that, then, ladies and gentlemen, we'll conclude the question-and-answer portion of the public hearing.

We'll go in recess for ten minutes.

DR. MARCH: Roy, I just wondered -- Santa Fe is a rather unique community here, we have the ability to channel information, and I'm wondering if I could be permitted to ask a question on behalf of Dr. Gould who is not here?

MR. BIGUREN: That's really stretching it. That's stretching it. I'm sorry. I've stretched the rules.

DR. MARCH: I tried.

MR. BIGUREN: Thank you, Doctor.

Ladies and gentlemen, we're going to go in recess for ten minutes after which we'll go ahead and begin receipt of public comment.

(Recess held.)

STATE OF NEW MEXICO)
)ss.
COUNTY OF BERNALILLO)

We, Kathy Townsend and Cheryl Bruce, the officers before whom the foregoing hearing was taken, do hereby certify that we personally recorded the statements by machine shorthand; that said transcript is a true record of the statements given; that we are neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this matter is taken, and that we are not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

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BEFORE THE UNITED STATES DEPARTMENT OF ENERGY

IN THE MATTER OF THE SUPPLEMENT)
TO THE ENVIRONMENTAL IMPACT) PUBLIC HEARING
STATEMENT FOR THE WASTE ISOLATION)
PILOT PLANT PROJECT)

TRANSCRIPT OF PROCEEDINGS

June 15, 1989

Evening Session - 8:30 PM

Main Room

at

Sweeney Convention Center
Santa Fe, New Mexico 87501

BEFORE

ROY HIGUREN, Hearing Officer
JOHN ARTHUR, DOE
TOM JONES, DOE

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MR. EIGUREN: Ladies and gentlemen, we're going to come back to order now and go back on the record and resume our public hearing.

This is United States Department of Energy Proceeding 0026-DS, being held on June 15th, 1989, in Santa Fe, New Mexico, for the purpose of receiving public comment regarding the Draft Supplemental Environmental Impact Statement prepared in relationship to the proposed operation of the department's Waste Isolation Pilot Plant located near Carlsbad, New Mexico.

Immediately prior to going into recess, we had just completed the receipt of comment from elected officials, as well as designated spokesmen for Indian tribes and public interest groups. We're now ready to begin receipt of comment from members of the public who have preregistered to comment here this evening and we'd like to first indicate for the record that the hearing panel for this session is Mr. John Arthur and Mr. Tom Jones.

My name is Roy Eiguren and I'm the hearing officer for this session. I'm an attorney in private practice with the law firm of Lindsay, Bart, Neil & Weigler. I do not serve as an advocate for or against the department's position. My sole role

is to conduct the hearing, give all parties an equal opportunity to comment on the record relevant to issues associated with the Draft Supplemental Environmental Impact Statement related to the Waste Isolation Pilot Plant.

We'd like to indicate that the rules of this session are fairly straightforward. All preregistered commentors will have the opportunity to go on the record for five minutes with comment and questions they may have relative to the SEIS.

I have a list of a fairly large number of people in front of me, although we're not scheduled to begin receipt of public comment until about 9:00 on the preregistered commentors, I do note that a great many of our commentors for this evening's session have arrived, have checked in at the registration table and are here in the hearing room for the purpose of providing testimony.

When I call your name, I would request that you come up here to the podium to my right, to your left, give us your name and address and then once you've given us your name, I'll go ahead and begin timing you. At the elapse of four minutes, a green light will go on; at the elapse of five minutes, a red light goes on. When the red light

goes on, I would respectfully request that you bring your comments to a close as quickly as you can.

I would note for the record that written comment will receive the same weight and the same consideration in the record of this particular proceeding as does oral comments, so, accordingly, if you do have written comment with you, we would very much appreciate receiving it here for the record.

The close of comments for these proceedings is now slated for the 11th day of July -- 11th day of July, so if you do not have written comment with you, but would like to provide it for the record, you may mail it to the Department of Energy prior to the 11th day of July. We do have a mailing address at the registration table outside this hearing room for you to send those comments to.

So with that, we'll go ahead now and begin receipt of comment from members of the general public here at the Santa Fe, New Mexico, public hearing on the SEIS for the Waste Isolation Pilot Plant.

Our first scheduled commentor is Mr. Doug Doran. Doug Doran?

Ladies and gentlemen in the event that I call a name and don't get a response, I will call these names later in the hearing to make sure that we've not missed anyone.

Xena Wilson? Xena Wilson?

Bob Forrest? Mr. Forrest is here.

Will you give us your name and address for the record, sir, and you have five minutes for comment.

MR. FORREST: Is this where you want me, sir?

MR. EIGUREN: Right here, sir.

MR. FORREST: Right here?

MR. EIGUREN: Yes, we need to have you speak into that microphone with -- the gold microphone.

MR. FORREST: This one here?

MR. EIGUREN: Bring it up just a little bit.

MR. FORREST: Okay. My name is Bob Forrest. I live in Carlsbad, New Mexico. I live at 1306 West Riverside Drive. I am the Mayor of the City of Carlsbad. I've been the Mayor for the last three years and I've worked with the WIPP project for the last 15 years, since we went to Washington

and talked to DOE about the possibility of having the facility located in the Carlsbad area.

The former mayor and a lot of elected officials really were the ones that were responsible for talking with DOE. Back in the early days of WIPP, when we met with DOE, they told us that they were a little surprised that the City of Carlsbad was approaching them with the idea of maybe locating this facility in our area. They told us from the beginning that there would be a lot of negative aspects and some of the things that we'd have to look for, but on the other side of the coin, they told us about the pluses and good things that would help with the economy and felt like that from the beginning that this project was very safe and that anytime that the City of Carlsbad -- and this was. 1971 -- would like to withdraw its support and change the project and not have it located in our area, that we had that option up until this time now.

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In the first five years that the project started, DOE made a commitment to us that they would do a lot of site characterization, and this is where they went out into the area around the Carlsbad area and drilled over maybe 500 holes and they finally

pinned it down some two or three years later to ten holes and then they finally picked the final spot for the WIPP.

Then as we proceeded with DOE, it's been a working relationship that the city has enjoyed for the last 15 years and they have been very up front with the City of Carlsbad with the idea of the safety -- you know, Carlsbad just celebrated its 100th birthday the other day.

Carlsbad was really founded because of the Pecos River, because of its water, and I think that's true of any city; without its water, its natural resources, you have no city, but we are farsighted enough and the leaders that -- Mr. Haggerman discovered our city and knew that this was the future of our city, that they were going to build a dam across the Pecos River to carry the water down in the valley to begin a part of the city which was Eddy, which was later changed to the town of Carlsbad.

So here we were when they built the first flume, the second flume and the third flume, and all of them washed out with the high water of the Pecos River. Last week we were down at Brantley Dam, we were dedicating another facility, it was the

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3.2-1

Brantley Dam Water and Watershed. 15 years later, it is our number-one asset in our community. I think in the next 50 years, it will be water, it won't be oil and water, it won't be potash.

I'll tell you as the mayor and head of my family in Carlsbad, having a business in Carlsbad and having one in Roswell and one in Hobbs and one in Lovington and one in Odessa, Texas, and having all my grandchildren there, that I would never do anything to jeopardize the future and the health and the welfare of the City of Carlsbad or its residents, but I'm here hoping that we can take a good look at WIPP. I think we've come a long ways, we've watched it being developed. We've watched the construction and everything has been to a tee and safety out there is second to none.

We have local potash mines out there that can't compare with the safety that WIPP offers. And now I think we're in the second stage and this is where the testing needs to be done and the evaluation. We hope that we take care of some of the transportation problems, and when we do that, we hope that the people of New Mexico, and especially the people of Santa Fe, because we love this state just as much as everybody, we've got a lot of

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friends in Santa Fe, you know, the mayor of Carlsbad didn't get this project done by himself, we had help from Senator Domenici, Senator Bingaman and Governor King and Governor Apadoca and Governor Anaya and, you know, they are kind of taking a little sidestep now, but we've got to bite the bullet and find a place to put this waste. 1-1

If you think that storing on top of the ground in Los Alamos is the solution, we don't agree with you. We think you can do the test and we say that WIPP is part of the solution and WIPP isn't the problem.

MR. FIGUREW: Thank you.

I next call Richard Stevens. Richard Stevens?

I might indicate, I will call these names for the first time and if these individuals aren't here, we'll continue calling their names later in the session.

Melanie Banteah?

MR. ARTHUR: Hi, Melanie.

MS. BANTEAH: Hello. My name is Melanie Banteah. I am ten years old. I am from Zuni, New Mexico. I am concerned about WIPP, the Waste Isolation Pilot Plant. Nuclear waste will be taken 3.1-2

to WIPP. Out of that waste, the most harmful substance in it will be plutonium. You cannot see, hear, taste or smell plutonium. If you breathe plutonium, you could get cancer or get very sick. 3.1-2

Some people think if the waste is spilled, we can just sweep it up. If it is spilled, everything and everybody has to pay the consequences.

The waste will go by Gallup. We live very near Gallup. There are many drunk drivers in Gallup. There could be an accident like in the past. Our land is sacred to us. Our ancestors are buried here. In the middle of the village, we have a plaza. There the kachinas dance. They dance for rain, good crops and health. Near the plaza, we plant prayer sticks. If the sand was contaminated because of an accident, we could not do these things. Land that originally belonged to the Zunis has been taken or sold. If the waste comes to Zuni, we won't have any land left. 7.3.5.1-12
7.3.5.4-3

The nuclear waste will come in trucks. The trucks will be unmarked. You cannot tell if the truck is behind or in front of you because it would be unmarked. The waste will be in TRUPACT containers. The DOE tested the TRUPACT containers 7.3.1.1-2
7.3.2.1-1
7.3.4.1-1

under heat for 30 minutes. In an accident, the containers will probably burn under heat for 30 minutes. They also dropped the TRUPACT containers and when they landed, they had dents in them and then the nuclear waste would escape. 7.3.1.1-2 7.3.2.1-1 7.3.4.1-1

WIPP needs to meet the Environmental Protection Agency's standards. It has not. The water could get contaminated because WIPP did not meet EPA standards. The contaminated water could get into the food chain which could lead to death for humans, plants and other animals. Then everything will be gone. 3.1-2 3.1-3

Remember, future generations and us, we -- we have to live with WIPP if it is opened. We only have one place to live; earth. Please think about our sacred land. It's all we have.

WIPP, can't live with it, can't live without it. 1-2

Thank you. Thank you.

MR. EIGUREN: The written comments of Melanie Banteah will be included in the written record as Exhibit 326.

(Exhibits 323 & 326 marked.)

MR. EIGUREN: I'll also note for the record that we have marked as Exhibit 323 the prior

submitted comments of Scott Pittman.

Moving down the list of preregistered commentors for this session, we call Jack White, Jr. Following Mr. White will be Feather Lewis.

Your name and address for the record, sir.

MR. WHITE: My name is Jack White, Jr. I live in #1 Carlsbad Caverns Highway, White's City, New Mexico. I'm president of White's City, Incorporated, the tourist center at the entrance to Carlsbad Caverns National Park. 7.2-22

My grandfather homesteaded the land in 1927. My family have lived there for the last 62 years. I'm also president of Cave Country, USA, the nonprofit corporation formed to dispense the Eddy County lodgers' tax monies, and I'm chairman of the Eddy County Lodgers' Tax Committee. I also serve on the Carlsbad Chamber of Commerce Tourism Council. I've served five years on the Board of Economic Development and Tourism for the State of New Mexico and currently am a district governor for Best Western International.

I attended schools in Carlsbad, New Mexico Military Institute and have a BS degree in electrical engineering from Stanford University.

It is probably obvious that I wish to address the WIPP issue from a tourism point of view. Each year over 750,000 visitors come to the Carlsbad Caverns National Park. These visitors provide employment for over 1,000 people and contribute over 20 million dollars to our economy.

Those of us in the tourism industry certainly do not want to jeopardize this in any way. If we felt that the WIPP facility or the transporting of waste to the site would in any way interfere with the tourists, then we would be against it. However, the facts do not support this concern.

We are convinced that the WIPP site will be operated safely and the transportation of the waste poses no more hazard than any other products already on our highways. The plutonium -- the plutonium may well last many thousands of years, however, one propane truck can eliminate four city blocks if it explodes.

We know that the DOE and the Department of Defense already transport high-level nuclear material over the highways of New Mexico and yet there has been no huge outcry against that. Why? Because they are very safety conscious and concerned

7.2-22

for the safety of all of those on our highways.

It amused me to read that a doctor in Albuquerque said the city and state are not prepared for a nuclear accident. The type of waste to be transported to WIPP for the R&D phase is much less toxic than the materials already on our highways going to Los Alamos, Kirtland and Sandia. Why haven't these concerns been raised before? Probably because the anti-nuclear faction did not see a media opportunity to mislead the residents of New Mexico into believing --

MR. EIGUREN: Quiet, let him finish. Go ahead.

MR. WHITE: -- into believing that a new and horrible danger is being thrust upon us.

Tourists do not ski -- not ski in Colorado because of Rocky Flats or not go to Amarillo because of the nuclear plant there. But we in New Mexico may damage our tourism industry by making an unnecessary fuss over the transportation of the waste to WIPP.

I submit that our own worst enemies are the underinformed citizens of Santa Fe that have not really looked at the facts. They are acting emotionally and not logically.

7.2-22

Nuclear weapons are vital to the defense of our country and to the safe -- and the safe disposal of the wastes generated in the production of those weapons is vital to our national security. New Mexico is a nuclear state. With the national labs at Sandia and Los Alamos and the White Sands Missile Range, as well as the uranium mines in Grants, we are already dependent upon the nuclear age for much of our economy.

These facilities provide much to the State of New Mexico. Where this waste is now stored is probably not safe. It should be placed in a safer place and one possibility is WIPP. However, the safety cannot be proven if the facility is not allowed to perform the necessary experiments.

Let's stop this unnecessary haggling and let the DOE fulfill its mission of developing a safe repository for nuclear waste. If at the end of the five-year research phase it is determined the site is not safe, then we will have to find another solution. However, it cannot be proven one way or the other if WIPP is not allowed to open.

In closing, I would like to say that if New Mexico's tourism industry is damaged by these hearings or the publicity attached to them. It will

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not be the DOE's fault, but our fault for crying wolf at the top of our lungs and scaring our own customers away.

Thank you.

MR. EIGUREN: Exhibit 327 in the hearing record will be the written comments of Jack White. Jr.

(Exhibit 327 marked.)

MR. EIGUREN: I next call Feather Lewis. Feather -- there you go. Go ahead.

MS. LEWIS: Today I'm going to talk about WIPP. I'm a native of New Mexico. As a child of the Zuni Pueblo, I fear for the safety of all people because the Waste Isolation Pilot Plant is not good. It could ruin water and fish will not be edible, plus contaminate -- with contaminated water, our lives would be at stake. Our livestock could also become diseased.

The main concern is safety. If any accident occurs, it could cause damage to many innocent people's lives, causing cancer of the lungs and bones, leukemia or genetic defects.

As for employment, I believe it will not provide the people with safe employment. It will only offer a full-paid death.

7.2-22

7.3.5.1-12
7.3.5.3-1
7.13.1-8
7.14-9

7.3.5.3-1
7.3.5.4-3
7.13.1-8
7.14-9
7.14-10

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TS-00366, Page 1

The shipments that will be shipped along the WIPP route will be carrying 55-gallon drums of plutonium-239 contaminated wastes. Along the route that these wastes are being transported, 173 radioactive accidents have happened, and out of the 173, 34 accidents have happened in New Mexico alone.

How long do New Mexicans have to wait until one of these accidents cause serious problems, problems that will not last minutes but years, years that will cause torment, pain and serious health problems, not only for us but for the future generations to come? We demand control of our destiny. Please, stop WIPP.

Thank you. 15-Jun-89: TS-00365, PAGE 2 OF 2

MR. EIGUREN: Thank you. I next call Peter Mattair. Could I have your name and address for the record, sir? 15-Jun-89: TS-00366, PAGE 1 OF 6

MR. MATTAIR: My name is Peter Mattair and my address is 1066 Camino San Acacio, Santa Fe.

Ladies and gentlemen, when I returned home from a trip this morning, I found a postcard letting me know that I had been allotted a space of time in which to make a statement regarding the Waste Isolation Pilot Project in Carlsbad.

7.3.6.1-2

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TS-00366, Page 2

MR. EIGUREN: We can't hear you.

MR. MATTAIR: Sure. I got a postcard telling me I had an appointment tonight to speak and at first I thought I better cancel because I hadn't prepared for it and I'd been out of town on a trip, so I came down here to listen and learn and perhaps find someone who could take my place and speak in my place.

After being here for awhile, I realized that there is something I want to say and it doesn't require a lot of preparation. It also probably isn't really the subject of this hearing, but to me it's the subject behind the subject.

Simply stated, I don't want all this nuclear garbage being produced in the first place. This is a very dangerous game we're playing and it's not an infinity game, it's a zero-sum game, meaning people get hurt. But given that a certain amount of this waste already exists, I must say I don't want it rumbling through my town or put in the ground in my state.

A rational person will counter by saying, "What else can we do? We can't leave the stuff lying around in shallow graves and, God knows, we can't store it aboveground." Well, of course, we

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TS-00366, Page 3

can't.

I don't pretend to have the answer to the problem of what we do with the waste that already exists, but look at it this way, and please forgive the analogy, I don't mean to equate human life with human destruction, but if someone went to a doctor and said, "I can't feed all my children, they are dying of malnutrition and I've got another on the way, what do I do," that doctor might suggest birth control; in other words, thinking before acting.

So I say, "Why don't we go for zero growth in the area of nuclear waste?"

Assuming this isn't achievable, I have many questions about the disposal of the waste. I'd like to ask just one, one that doesn't seem to make much sense, but what if the Carlsbad site does open and after 25 years it's sealed up without incident, who then watches over the site for the next 9,975 years with the 10,000-year period during which safety has been completely guaranteed? The DOE? Doesn't this presuppose the continuing existence of the DOE, by which I mean to ask, doesn't this presuppose the continuing existence of the United States as a sovereign entity, unchanging and unchanged, for a period of time that would exceed

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7.12.11-4

TS-00366, Page 4

the back-to-back lifespans of the Tiwanaku, Aztec, Incan, Egyptian, Greek, Roman, Ottoman and British empires?

Can we really bet on being around that long? Can the DOE guarantee the vagaries of human history, of empire formation and collapse, not to mention the vagaries of physical earth change, climate change, change caused by the impact of a meteor from outerspace, change caused by terrorism?

What happens to the poor slobs who stumble onto Carlsbad in some unforeseeable future and decide to drill for oil?

I'm trying to look at the lighter side of our folly, but, gentlemen, we cannot handle the implications of this stuff. No way are we wise or advanced enough.

I once heard about a sex-education teacher who decided to conduct a 24-hour lesson on the difficulties of child-rearing. What she did was to give each of the students a raw egg. This was a pass-fail assignment. If you could hold that egg in your hand without breaking it for 24 hours, meanwhile doing everything you would normally do -- like attend gym class, wash the dishes at home, walk the dog, sleep the night through -- then you would

7.12.11-4

7.14-11
7.14-13

3.1-2

have come to an understanding of what it's like to be charged with complete responsibility for a human child. Evidently, not many of the students passed and none of them missed the point.

Now, eggs are very fragile objects, I grant you that. And, of course, the TRUPACT container is a sure thing, we all know that. So what I propose is we make up a whole bunch of little TRUPACT containers about the size of eggs and fill them with transuranic waste, then we could put a little handle on each one of them and make them up into necklaces or -- is there anybody who would wear one of those for life and really feel safe?

Actually, unless you're in the habit of dropping yourself from a height of 30 feet, you could probably wear a piece of jewelry like that for life until you die of natural causes and never suffer visibly. But what about invisibly? What about fear? What about disturbances in your psyche?

To therapists, dreams about nuclear explosions were once regarded as indicators of impending mental collapse. Now, they are regarded as situation appropriate.

Gentlemen, I am afraid. Please don't take

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this personally, but my gut tells me not to trust the DOE, not because it's made up of bad people, but because it's made up of people who are in way over their heads and who also couldn't get through 24 hours carrying a real egg and our futures are that fragile. Thank you.

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MR. EIGUREN: The written comments -- the written comments of Feather Lewis will be marked as Exhibit 328 and included in the record.

(Exhibit 328 marked.)

MR. EIGUREN: I would next call Carleton Bowekaty.

MR. BOWEKATY: Good evening. My name is Carleton Bowekaty. I live in Zuni, New Mexico. I am concerned about WIPP. I hope they don't dump the nuclear waste near Carlsbad. I'm afraid that if the trucks crash, I will breathe the air and it could cause cancer.

7.3.5.1-12
7.3.5.4-3

I wish nobody made nuclear weapons so there would not be nuclear waste. The nuclear wastes would be in containers, but the TRUPACT may not be able to hold the wastes. They could leak or the wastes could spill over, contaminating our land and our water.

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7.3.1-2
7.3.1.1-23

There are a number of similar situations

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TS-00368, Page 1

TS-00368, Page 2

like these that could endanger the health and lives of New Mexico citizens. So, please, consider each and every one of us in New Mexico and don't dump nuclear waste in Carlsbad or anywhere else in this state.

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Thank you.

MR. EIGUREN: Ladies and gentlemen, we're now on order 16 on our list of preregistered commentors. I mentioned earlier for the record that we started this evening's session of the public comments a bit early, so a number of the commentors that I called earlier, I assume, have not arrived because their preregistered time was later in the evening, so we'll go back to the top of our preregistered witness list and start calling names of individuals who I called earlier and were not here. If you're here, I'd ask that you step forward and deliver your comment at this time.

Doug Doran?

Zena Wilson?

Okay. Thank you. This is Doug Duran -- Doran.

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MR. DORAN: Doran.

MR. EIGUREN: Mr. Doran, could we have your mailing address for the record, please?

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7.3.1.1-23
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MR. DORAN: 3790 1/2 Franklin Avenue, Santa Fe.

MR. EIGUREN: Thank you.

MR. DORAN: Is this okay?

MR. EIGUREN: It's not coming through very loud. We'll have the technician turn that up just a bit. Why don't you give us a test, if you would.

MR. DORAN: My name is Doug Doran. I'm a resident of Santa Fe, New Mexico, graduate of Santa Fe High School, used to play basketball in here. It's changed a little bit. Five minutes is plenty of time for me to make my comments.

I almost concur with the alternative number three which reads, "No action transuranic waste will continue to be generated in the storage facilities at various generator sites around the nation. The WIPP will be decommissioned and put to other uses," except that I would change some of the wording.

I would change "no action" to "positive action," and I would at the beginning of that paragraph make it read "immediate suspension of the manufacture of materials which generate radioactive waste."

I'm not going to argue or try to point out

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3.6-1

that the Waste Isolation Pilot Project is not the best solution that the Department of Energy could come up with. The problem is it falls far short of an appropriate solution.

I remember listening to Senator Light in a committee meeting last winter go on about the 680 jobs which this project is going to provide in the Carlsbad area, and I have to wonder if Senator Light is aware of the number of people that die every day as a result of exposure to artifically produced radiation, the families that have been destroyed and broken, and also in the last few months, the national security bell has been ringing loudly from the administration and from the Department of Energy.

I've never had a clear definition of what national security is, gentlemen, but, offhand, I can't think of anything that would upset that national security, whatever it is, more than transporting this tragedy all over hell and gone.

I don't know all the facts around this issue, but I know one, if you proceed to spread this catastrophe through Santa Fe County, you're going to have to do it over me. I hope that there are a lot of people in front of me because I don't want to be

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one of the eight that you say are going to die as this project is carried out.

There are two things which you'll learn as you get to know the southwest and you spend more time here in this area: one is that you don't lie to a Texan and the other is that you don't fuck with a New Mexican.

Thank you for the time and I hope that you enjoy your stay in Santa Fe.

Viva!

MR. EIGUREN: Exhibit 329 for the record in this proceeding will be the written comments of Carleton Bowekaty. 15-Jun-89: TS-00368, PAGE 4 OF 4

(Exhibit 329 marked.)

MR. EIGUREN: I next call commentor 52, Zena Wilson. 15-Jun-89: TS-00369, PAGE 1 OF 1

MS. WILSON: Hi. I'm Zena Wilson and I live in Carlsbad. I have participated in some rampant research on the WIPP site and around it and I do not feel intimidated or threatened by it whatsoever. I feel perfectly safe. And thanks to the WIPP, we've been able to get some educational opportunities of importance.

Thank you.

MR. EIGUREN: I next call Richard

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Stevens. Mr. Stevens, before you begin, let me see if we can stop this feedback problem.

MR. STEVENS: Today we have weapons that can virtually destroy life on this planet several times over. In the process of manufacturing these weapons, millions of tons of materials are rendered radioactive. The method some have decided on to deal with this waste is to bury it; in spite of grave risks that it may contaminate our water, our air, the very earth itself.

The thinking is that if the site is properly selected, there will be no contamination, or none to speak of, all will be safe. SEIS assures us that WIPP is safe enough to open and begin accepting waste in three months time.

The question of waste disposal is critical to the whole cycle of weapons production. If there were no way to safely dispose of burgeoning quantities of waste, the entire nuclear weapons industry could grind to a halt. There are powerful interests, powerful interests who don't want to see that happen. For it is an industry designed to promote national security and it is a profitable industry.

In 1952, General Douglas MacArthur,

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addressing the Michigan State Legislature on the subject of the weapons manufacturers' tendency to promote their own interest at public expense said this -- this is Douglas MacArthur -- "It is part of the general pattern of misguided policy that our country is now geared to an arms industry which was bred in an artificially induced psychosis of war hysteria and nurtured upon an incessant propaganda of fear."

The military-industrial complex, Dwight D. Eisenhower warned us about is with us still. There is still a close relationship between the government and the arms manufacturers and among those manufacturers is Westinghouse, the contractor for WIPP.

If millions of cubic feet of radioactive waste could not be safely disposed of, the financial viablility of Westinghouse would be severely challenged.

But the SEIS document assures us that WIPP is safe. We continue to hear assurances in spite of published reports and public testimony to the contrary by independent teams of scientists.

The National Academy of Sciences has expressed concern about leaks at the WIPP site. The

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Scientific Review Panel at the University of New Mexico tells us that radioactive slurry -- cancer-causing, life-threatening slurry -- could reach the Pecos River within a hundred years. Engineers from the Department of Energy itself, on learning last August about a previously undisclosed incident at WIPP wrote, and I quote, "The accident was caused by the failure to properly install the fire water system pipes. This occurrence raises questions about general construction quality."

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3.2-1
7.12.8-1

At the Fernald, Ohio, nuclear plant, also managed by Westinghouse, two inspectors from the Environmental Protection Agency were contaminated with uranium. Another Westinghouse project in the Phillipines, a nuclear power plant, was slated to be built on the slope of an active volcano in an area also subject to both earthquakes and tidal waves. Westinghouse denied that the planet would be unsafe.

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Last September in Congress, Representative Synar of Oklahoma, Chairman of the House Subcommittee on Environment, Energy and Natural Resources, was quoted in the New York Times as saying, "There are more energy department people lobbying for authority to emplace wastes in the

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repository than there are making sure the facility is safe."

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To date, WIPP has cost a great deal of money, but it cannot even meet current EPA standards; standards established by the federal government to protect the health of its citizens -- us.

If independent scientific council also continues to advise us WIPP is not yet safe -- and they do -- if there is any chance of this waste contaminating our water tables -- and there is -- we cannot shrug our shoulders and hope for the best.

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In our history as a nation, we have made errors and we have corrected them. If one thing is clear, it's that WIPP is not ready to open now on a test basis or any other basis. We must cut our losses. We must think again.

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Thank you.

MR. EIGUREN: Can we get your address for the record? Repeat your address for the record.

MR. STEVENS: PO Box 9609, Santa Fe, 87504.

MR. EIGUREN: We'll note that we've started at 51, we've heard comment from commentors 51 through 59. It takes us to number 60, Harold

Robertson. Following Mr. Robertson is Miranda Lewis.

Miranda, I'm sorry, Mr. Robertson is first and then you, excuse me. 15-Jun-89: TS-00371, PAGE 1 OF 2

MR. ROBERTSON: My name is Harold Robertson, 1008 Palsano, Carlsbad, New Mexico.

I've been a resident of Carlsbad for 18 years. I've been involved with WIPP since the very start, the beginning of it. I have no reason at this time to be concerned about the safety of WIPP. I think it's the best technology that we have at this time for storing the nuclear waste that exists in our country. The gentleman before me mentioned 640. That's important, but it's not nearly as important as my three grandchildren that live there.

The WIPP Isolation Pilot Project was designed for a five-year test period; why don't we let that test take place?

If it is proven to be dangerous, I don't want it, I'll join these other folks and say, "Take it out, stop it," but at this time I don't think that's going to happen. I think all we need is to give the Westinghouse folks an opportunity to prove that it would be effective and it will actually

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happen, and I thank you, gentlemen.

MR. BIGUREN: I next call Miranda Lewis. Miranda, we'll have someone help you with the microphone in just a moment, please.

MS. LEWIS: Okay. My name is Miranda Lewis. I am from Zuni, New Mexico. I am nine years old. I am also a concerned citizen for nuclear safety. The reasons I am here today are to testify against WIPP, the Waste Isolation Pilot Plant, being in New Mexico.

Here are my reasons: number one, the TRUPACT containers have not yet met the Environmental Protection Agency standards; number two, if the TRUPACT containers have not met EPA standards, the waste might leak through the salt and through soil and get into our water supply; number three, which is the most important of all, the safety of the people is not guaranteed. If the TRUPACT containers aren't true to us, everything will be contaminated.

Another concern that I have is that the trucks will go through the City of Gallup about 33 miles north of our -- of my home in Zuni. What if a drunk driver hits a truck? If that did happen, the waste would not only contaminate Gallup, it would

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contaminate Zuni, too, and our sacred land would be destroyed. 7.3.5.3-1

I am very scared about the nuclear waste being stored near Carlsbad. We are here today -- I am here today to ask but one favor, please think of our future before you bury your nuclear waste in New Mexico. 3.1-2

Thank you.

MR. EIGUREN: Thank you. We next call Alan Hunter. Give your name and address for the record, sir, and you have five minutes for comment.

MR. HUTNER: Hutner.

MR. EIGUREN: I'm sorry. H-u-t-n-e-r?

MR. HUTNER: That's right.

Mr. Chairman, members of the DOE Panel, my public friends, my name is Alan Hutner. I reside at 125 El Rancho Road, North, Santa Fe, New Mexico.

I'm speaking at this hearing in two capacities: one as a representative of the media, including radio, TV and film, and also as a private citizen. The statements I'm about to make are a synthesis of comments, questions and information presented to me over the past year by my radio constituency; a very large, intelligent, informed and somewhat light audience. Also, these statements

are the result of my personal research, including the documents, articles, position papers and numerous conversations with experts, as well as pseudo-experts.

My general summary or bottom-line conclusion is that there is not -- and I repeat not -- a sound position reflected at this point by the DOE with respect to the safety of WIPP and its readiness to function safely. And to be part of a safe transportation network, we need the largest garbage can in the history of humanity; WIPP. 3.1-2

I know the DOE represents that WIPP is safe, yet there have been too many scientific reputations, position papers and studies by other organizations in the public and private sector for myself and a large and growing number of citizens of New Mexico and the US who doubt the DOE's credibility.

WIPP opening must be deferred pending a greater consensus or agreement by everyone. This is a democracy, you work for us and we believe -- we believe that the majority of people in this great country are unhappy with the DOE's track record at this time. 3.1-6

As I say that, I ask you not to take that 3.2-1

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personally, I know this is a tough job; as the mayor said this morning, "You have to go to the city council meetings to get some sense of what public officials go through," but in spite of this painful criticism, we have to look at the grim reality that the DOE -- the track record of the DOE and the safety record is just not tolerable at this time. 3.2-1

I'd like to substantiate this now as a reason for delaying the opening of WIPP indefinitely until new EPA standards are issued and can be met and until a vast majority of all experts agree on safety. 1-3

On DOE credibility, I can point to something very recent. Why is the FBI now investigating DOE practices at Rocky Flats, Colorado? Why are newspapers and other media sources nationally continuing to report on disease, death and human suffering due to DOE facility errors? I'd just point out some of the things that come to our minds as questioning the credibility. 3.2-1

Transuranic waste has been redefined. Previously, transuranic waste in concentrations less than ten nanocuries per gram are considered low-level. Now the DOE calls concentrations of these wastes as 100 nanocuries per gram low-level.

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Thus, quantities of high-level waste -- the 16 active military landfills have deceptively been wiped from the slates at this time.

Workers at DOE facilities have been asked to make tremendous sacrifices in terms of their own health and that of their families and communities. Consistently, management has not actively informed workers of risks in the workplace. Management has not provided adequate training regarding working with radioactive materials. They have been lax in informing workers of wearing protective clothing and there is many other instances of just a lack of cooperation. The government has been unwilling to accept that even low levels of radiation can harm a person. 3.2-1

This is a major issue because non-DOE experts have demonstrated otherwise. Who do we believe at this time?

Although the DOE has conducted a number of internal studies of its safety operations and solicited out reviews, it has whitewashed its own pessimistic conclusions and usually downplayed the critical assessments it has received from the National Academy of Sciences and other outside panels.

I'll also go to a Citizens Guide to Military Landfills Executive Summary, which was a publication that was recently put out that says, "Deadly defense and new comprehensive survey of air and water contamination at 16 nuclear weapons facilities shows a nationwide problem of radioactive pollution and the pollution does not come from a few isolated indications."

There is a serious threat throughout the country. Again, the credibility issue comes up.

MR. EIGUREN: Mr. Hutner, can I ask you to close your statement, if you would?

MR. HUTNER: You want me to wrap this up?

MR. EIGUREN: If you will.

MR. HUTNER: Okay. I'll tell you what, I'll point to a serious exclusion from the SEIS document and that is the socioeconomic impacts, and I'm wondering, since I don't have time to speak about this, can I leave a document as part of the record?

MR. EIGUREN: Yes.

MR. HUTNER: I will leave this as part of the record which points to about 15 items that are not addressed.

I would just conclude with one letter that

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I would like to read, it's only three paragraphs.

This is from Esparza/Katz Productions of Los Angeles, California. It's an open letter to the public, the people and the government of New Mexico.

It says, "I write this letter as a concerned citizen and as a businessman who has produced three films and other documentaries in your state: The Milagro Beanfield War, The Ballad of Gregorio Cortez and the Academy Award nominated documentary Agueda Martinez, among them. These films have brought millions of dollars to New Mexico economy. Equally important, they have helped contribute to unprecedented national interest in the land and people of New Mexico."

"I am currently developing three projects set in New Mexico for production in the near future. We also are looking at office space and moving our base of operations to Santa Fe."

"However, a major deterrent in our minds as we formulate our plans: the WIPP project. We feel that WIPP will make New Mexico a much less attractive place for film production as well as residence. WIPP may have a similar effect on all members of the film community and could deter

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7.2-31

production companies from filming in New Mexico. We call upon the citizens and the legislators of New Mexico to stop WIPP now."

And I close with a point that this doesn't apply just to the film industry and we've heard so much about what WIPP will bring in terms of economic resources to the state, and I say that the negative side has not been addressed and we don't want to lose industries and we don't want to see our real estate values decrease because of that.

I thank you for the time.

MR. EIGUREN: Thank you. We're going to include in the record of this proceeding as Exhibit Number 340 the written comments of Richard Stevens; the comments of the Miranda Lewis will be included as Exhibit 341.

(Exhibit 340 & 341 marked.)

MR. EIGUREN: I would next call Ralph Anaya. Following Ralph Anaya will be Jane Telep.

MR. EIGUREN: Your name and address for the record, sir.

MR. ANAYA: My name is Ralph Anaya. I live at 2418 Avenue B in Carlsbad. I'm a -- I'll be a senior next year attending Carlsbad Senior High School. I participate in football and I'm a member

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7.2-9

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of the FFA, which does not stand for Future Farmers of America since last year.

MR. EIGUREN: Could I have you speak a little closer to the mike there?

MR. ANAYA: Okay. During this last semester, I did a research project out near the project which concerned prairie chickens. I was fencing them in the area and seeing what effects this might have had with evidence from before -- from years before. And what I collected so far, the activities out there have not disturbed them and they went on about their business as usual.

I personally did not feel threatened as I was working out there by the WIPP site. I spent numerous hours out there; I never felt like I was in danger or would ever be in danger.

Something I'd like to address is that I keep hearing people call the WIPP site just a dump. The DOE has taken great precautions, has done a great study in trying to protect our society by disposing of this safely where we can be assured that we may not be contaminated and our environment and our water and our communities.

I feel that there is just a lot of people who have not really given a lot of consideration. I

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don't particularly like nuclear waste, I don't like warheads, I don't like the idea of war. I fear that some day I may have to go to war or maybe live through a nuclear war. It doesn't excite me a bit, but so far we've not been able to stop our governments, not only ours, but other nations in the world from proceeding with what they are doing.

And for the time being, until we finally sort out that final solution, we do need a safe place, no matter -- so far, there has not been a safe place and I know that sometimes there is somewhat of a doubt that the WIPP may not be a safe place, but as of now, I cannot think of a safer place. 1-1

Thank you. 15-Jun-89: TS-00374, PAGE 3 OF 3

MR. EIGUREN: The next name is Jane Telep, followed by Chuck Bernhard.

Jane Telep? I'll call her name again later.

Chuck Bernard? 15-Jun-89: TS-00375, PAGE 1 OF 5

MR. BERNHARD: Good evening. My name is Chuck Bernhard. I live at 1510 Lincoln Drive in Carlsbad, New Mexico.

For the past two years, I've been the executive director of the Carlsbad Department of

Development. I'm submitting this testimony to you on behalf of the City of Carlsbad, Eddy County, as well as some 70 businesses and individuals who support the operation and activity of our organization in its attempts to stimulate new economic growth in the Carlsbad area.

It is no secret that WIPP has been of benefit to our local economy and currently employs over 600 persons. Nonetheless, our past and current involvement with WIPP has never been, nor is, nor ever will be an act of economic desperation. When the leadership of our community first registered its support for WIPP, the price of a barrel of oil was two to three times its current value in real dollars and the potash industry, our most basic industry, was pacing at a very healthy level. 7.2-22

With the establishment of a pricing and production agreement with Canada in early 1988, the potash industry, which currently employs 1,900 persons, has grown by over 20 percent and continues to show improvement. 7.2-27

Other areas of our economy have also shown improvement. For instance, travel at the Carlsbad Caverns over Memorial Day weekend showed a 25 percent increase over last year. Agricultural,

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particularly in the production of alfalfa, is also showing a healthy increase over previous years.

If the only reason underlying our support of WIPP is economic, then why would we continue to support the project in light of our economy that is showing increasing strength in these other areas?

And if we only wanted WIPP for its jobs, then why did our board of directors, that's the board of directors for the Carlsbad Department of Development, the key business leaders in Carlsbad, recently unanimously adopt a resolution against the Department of Energy for its proposal for interim storage of transuranic waste? Even though that could have meant several hundred jobs to Carlsbad, we voted against it.

The answer, when you look at the facts, is simple. It's our belief, along with the governor of Idaho, that the storage of 55-gallon barrel drums containing radioactive waste on a concrete slab in a bubble tent is no solution to the problem of transuranic waste and we simply don't want that kind of use in Carlsbad.

We are convinced -- we are convinced that the permanent isolation of waste in bedded salt 2,150 feet underground is likely the solution and is

7.2-27

certainly worth trying out. In addition, we are convinced that DOE has taken incredibly meticulous precautions to ensure the safety of the project to the public and to the environment while the demonstration period is in effect.

MR. KIGUREN: Quiet.

MR. BERNHARD: Moreover, we believe it is critical that this project be tested with live waste in an amount of sufficient quantity that both the scientific and operational integrity of the project can undergo an accurate evaluation.

Without a test of the project with live waste in situ, our community and the rest of the world will never really know and will never be assured that our beautiful river, lakes, mountains and caverns, as well as our people, will truly be protected.

Who can argue that our community, Carlsbad, stands to lose more if WIPP is found faulty? More than anybody else, we lose.

In sum, we say, "Let's give the project a chance over the next five years to prove itself." Therefore, we support the proposed action by DOE to proceed with a phased approach to determine whether the WIPP should become a repository for the disposal

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of TRU waste. Future generations will hold us responsible for creating a safer world, and if we don't give WIPP this chance, we are not acting responsibly. 1-1

Thank you. 15-Jun-89: TS-00375, PAGE 5 OF 5

MR. EIGUREN: I next call Julie Von Ersea. Julie Von Ersea?

Ladies and gentlemen, it's 9:30, we'll take a five-minute recess and go back on the record at 9:35.

(Recess held.)

MR. EIGUREN: We'll call this hearing back to order. I request that you please take your seats. This is the June 15th, 1989, public hearing being held in Santa Fe, New Mexico, for the purpose of receiving public comment on the SEIS or the Waste Isolation Pilot Plant for the United States Department of Energy.

The time is now approximately 9:40. It will be our intent to go ahead and complete this evening's session by going through the remainder of our prescheduled commentors in this meeting. In addition to that, we have four at-the-door registered commentors who will be testifying this evening.

Prior to calling additional commentors, I would like to note for the record that Mr. Alan Hutner provided two documents for the record; Exhibit Number 342 is entitled "Socioeconomic Impacts," prepared by Concerned Citizens for Nuclear Safety; the second document provided to us is Exhibit 343 from Esparza/Katz Production of Los Angeles, California, it's entitled "An Open Letter To The People And Government Of New Mexico." I would note for the record that Mr. Hutner read this particular letter into the record.

(Exhibits 342 & 343 marked.)

MR. EIGUREN: Ladies and gentlemen, we left off at commentor order number 66, which was Julie Von Ersea. She is here, very good.

I would request if you would please step forward to the podium right over here to my right. Could we have your name and address for the record?

You have five minutes for comment. At four minutes, the green light will go on; at five minutes, the red light.

MS. VON ERSSA: My name is Julie Von Ersea. I appreciate the opportunity to speak. I acknowledge in the United States, we have freedom of speech.

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I've been living here in New Mexico since 1964. My children were born here. Part of the reason I've stayed here is that I've considered New Mexico a safe place for them to grow up. The air in New Mexico is clean and the people are healthy.

I don't want the nuclear waste to be driven through Santa Fe or to be stored anywhere in New Mexico. In fact, I don't think it should be driven through anywhere. I don't think it can be safe to move it. 1-2

I think the production of nuclear waste should be stopped. With all the technology our country is so famous for, I'm sure someone will come up with a solution for treating the waste where it is. The most effective solution is to reduce the waste to its elements rendering it harmless. Meanwhile, the waste should be encased in glass until someone figures out how to make it harmless. 3.6-1 5.3-1

Obviously, the people in other states who don't want the nuclear waste anywhere near them are afraid of how it might affect them. I remember when I lived in Vallecito -- it's a little town in Northern New Mexico -- it was proposed that the sawmill be moved from Espanola to Vallecito. People said it would create jobs, but the people of our 4.1-1

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town were opposed to it. The reason they wanted to move it was it made too much pollution in Espanola. A man next to me said they think the pollution would hurt us.

Is that what the DOE and other states that want to get rid of their waste mean, that the pollution would hurt us, or have they even thought of us? 3.2-1 4.1-1

Actually no matter where they put the waste, it will affect the entire world, so moving it to a sparsely populated place is going to solve nothing.

It was a mistake to create the waste in the first place. We haven't needed all these nuclear weapons. They are just toys for the overgrown boys who run the DOE. 3.6-1

All efforts and money spent by the DOE and other government places should be on cleaning up the environment; that would create plenty of jobs. 3.6-2 5.3-1

I want to acknowledge Concerned Citizens for Nuclear Safety for all the warfare.

Thank you.

MR. BIGUREN: Thank you. I will next call Dr. Maurice Weisberg.

We welcome you back again, Dr. Weisberg.

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Dr. Weisberg spoke earlier on behalf of Sierra Club; he's now speaking as an individual.

DR. WEISBERG: Well, we were supposed to speak as a group of atomic veterans and some who were involved in getting this are off in Utah, and I was going to speak on the health effects, unfortunately, somebody blew the group away and we can't get together. So I will speak my portion of it and hope that the -- somehow we can get those atomic veterans back here -- back together with the commentors.

MR. EIGUREN: Doctor, we can't quite hear you. Could I ask you to get closer to the microphone?

DR. WEISBERG: As I mentioned this morning, I'm a physician, a radiologist, specializing in x-ray work.

We decided to give this brief description of radioactivity and health effects when it became apparent that even some of the senators didn't know what the health effects of plutonium were and what the ionizing radiations were that could prove harmful. We felt if a senator didn't know these problems, we ought to address ourselves to it.

In the long-term cumulative health effects

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of nuclear waste, it seems that some -- there are some government officials that really get along without these wastes unless they actually see bodies in the streets. Some don't even want to -- some don't even want to get rid of it, hoping that let's keep it around for awhile, maybe some future generation will know -- find a good use for it.

And in 1980, the ingenious NRC, which is Nuclear Regulatory Commission, they tried unsuccessfully to deregulate the materials from the reactors to recycle them in consumer products which would glow in the dark. Among the permitted uses were in-home appliances, bathtubs, cooking utensils, children's toys and even false teeth, so you could find your mate, I guess", at night.

Many scientists were gainfully employed by the NRC in analyzing the environmental impacts of recycling radioactive metals, large volumes of documents, thousands of pages long, very similar to the ones that you've seen this past month, with Mr. John Arthur spending 18 hours a day trying to put it all together, and the total body doses from cooking your favorite recipe in these cast-iron frying pans or actually finding out what the doses to men working at steel desks or the estimated dose

9-1

for wearing a hot steel buckle or a copper bracelet.

I just see these scientists groping around between your two big toes trying to find out what the dose -- what the calculated effects might be.

In the Eisenhower years, we had a surplus of scientists and engineering experts cooking up all kinds of ideas about getting rid of the nuclear waste by sending them up in rockets or putting them deep in the ocean beds or letting them melt in the polar ice caps.

Presently, our regulatory agencies have come up with something which is even more ingenious, they decided to dispense with the scientists and their obfuscating documents and to declare with the stroke of a pen that all low-level waste will become BRC, which is below regulatory concern, and that is now being called by some people as a linguistic detoxification of waste. 9-1

With this below regulatory concern, I'll be able to reclassify all these wastes as becoming below regulatory concern and they can take these low-level wastes and then proceed to put them into ordinary landfills. Ipso facto, the word and the pen has conquered the atom, or as some people say,

this is the greatest radioactive con game ever produced.

What makes low-level ionizing radiation so unique is that the dismal effects on humans occurs many years or generations later. It may take three to five years for leukemia to appear and as many as 20 to 40 years for cancers to become evident. Radioactive elements of nuclides disintegrate by emitting these alpha, beta or gamma particles. The alpha particle, as they are ejected, which is from a nuclide like plutonium, this alpha particle is very energetic and very destructive to the cell nucleus after gaining access to the body by inhalation or ingestion. When these alpha particles reach the lung, it's so close to the cell surface that the chance of causing cancer of the lung is a very high incidence. 9-1

The beta particles are negatively charged electrons. They are of much smaller mass and energy but, like the alpha rays, they can cause havoc within the cell and, of course, cause chromosomal effects, with the chromosomes, of course, controlling hereditary factors for the future.

The typical beta emitting nuclides are Strontium-90, Cesium-137 and Iodine-131. Strontium

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lodges mainly in the bone and then, of course, we have much greater chance of getting cancer of bone and blood elements. Cesium concentrates in the muscle tissue and essentially is present throughout the body tissues, while the Iodine tends to get into the thyroid gland, predisposing the victim to have cancer in this organ.

Gamma rays and x-rays cause similar effects. 9-1

MR. EIGUREN: Doctor, could I ask you to close your speech? You've run over your time allocation.

DR. WEISBERG: I'm just at the end of this page now.

MR. EIGUREN: Okay.

DR. WEISBERG: It is now generally accepted, even in the regulatory agencies, that there is no safe dose; the doses are additive and accumulate, and in the typical dose response curve, so that when you get down to the lowest end of this curve, even down to zero dose, down to close to zero dose, there are effects. There are no -- there is no -- there is no threshold dose. 7.14-10

I mentioned this morning the effects on the developing embryo which was -- which is 50 times

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more vulnerable than an adult and this vulnerability leads to miscarriages, still births and serious disease in a child. 7.14-10

So when the DOE says it's only a small risk, the reality is future generations will be deformed, these children. The Public Health Service ought to determine these health effect risks, not the DOE which is motivated by economic considerations. 3.1-2

Thank you.

MR. EIGUREN: Thank you.

Doctor, Mr. Arthur would like to ask a clarifying question.

MR. ARTHUR: Just one quickly for my information. The real comment is geared towards the risk factor utilized in the EIS -- your real thrust of your comment is geared towards the risk factor utilized in the supplement, the 280 cancer fatalities per so many million man rems, that's what it is.

DR. WEISBERG: Well, that's what --

MR. EIGUREN: Doctor, could I have you--

DR. WEISBERG: Most of the calculations, I'm sure, follow a lot of what Dr. Gofman has talked about, the 270 person rem causing one additional

cancer.

MR. ARTHUR: Appreciate it. Thank you very much.

DR. WEISBERG: Okay.

MR. SIGUREN: Thank you, Doctor.

I next call Lanya Reese. Lanya Reese?

Kathy Spaulding'

MS. SPAULDING: Hello. My name is Kathryn Spaulding. I live in Espanola, New Mexico. My address is Route 3, Box 182-A. I'm a substitute teacher here in Santa Fe and I'm representing the average citizen.

One of the things that I enjoy doing is writing poems, here is one of them:

I have a nightmare going on in my head that I lost my life because of something somebody said. These people had a name of DOE, and they said they had a gift for you and me; that they were working hard to ship it to my home state and they hoped, but not for long, would I have to wait. You see three times have I fought to save my life, and DOE to take it away, they have no right.

What is this gift they have to give me in such haste? In my back yard of New Mexico, they want to put nuclear waste. Don't tell me that this

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gift will do me no harm, I'm not stupid, and yesterday I was not born. DOE, I'm not speaking to you out of hate, but I'm angry with what you want to do with my fate.

Thank you.

MR. SIGUREN: Exhibit 344 for the written record in this proceeding will be the written comments of Kathryn Spaulding.

(Exhibit 344 marked.)

MR. SIGUREN: We next call Shaw Robert.

UNIDENTIFIED SPEAKER: He's out in the hall.

MR. SIGUREN: Okay. While we're waiting for Mr. Robert, I'll go down the list.

Tai Dockworth?

MS. DOCKWORTH: My name is Tai Dockworth. My address is 11 Pueblo Drive, Santa Fe, New Mexico.

MR. SIGUREN: Thank you.

MS. DOCKWORTH: I just found out what WIPP is. I was against it the whole time because everybody else was, but now I know what it is and I am totally against it because I know what it will do to our future, to our children. I want to be an actress when I grow up and I want to have a family.

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I don't want to die when the trucks are on the way to Carlsbad to get -- and get in an accident or when it leaks in Carlsbad and the salt eats the cartons that holds the nuclear waste.

I will do anything to stop this because we all know what's right and when it is totally safe for my two brothers, my three sisters and my parents to live in Santa Fe, New Mexico, in peace and not interfere, that some day they'll call and say -- and move to a sacred place so you will live. I hope for my family, my friends, that they will stop this nuclear waste.

Thanks for your help and support.

MR. EIGUREN: I once again call Shaw Robert. Has he arrived? Apparently, he's still outside.

I will then call Linda Hibbs. Linda Hibbs?

Elizabeth Billups.

MS. BILLUPS: My name is Elizabeth Billups, 1397 Old Pecos Trail, 87501.

First, I'd like to thank you for being such a wonderful hearing officer, there have been a lot of comments about all the hearings and it's all -- they've all said what a great job you've done.

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MR. EIGUREN: Thank you.

MS. BILLUPS: I wish we had time to hear Mr. Jones sing up there, and I want to thank Mr. Arthur, I know you must be exhausted and thank you for your patience. I know you must agree with me that it's an unreasonable hour. I would prefer to have been scheduled earlier.

I feel like it's a mockery of the public process to split the hearings up, split up our community.

I'd first like to talk about the -- I would like to talk about the EPA standards. I asked Mr. Tillman, the Westinghouse project manager for the WIPP site, "How can the DOE comply with EPA standards that have been thrown out of court? The DOE over and over again states in the SEIS they will have full compliance with EPA standards."

And when I asked Mr. Tillman, he said, "The DOE will comply with the old standards."

This is absurd. The old standards were thrown out of court because they weren't as good as the Clean Drinking Water Act.

Mr. Tillman then said, "What do you want us to do, wait until the new standards are written?"

My answer is, "Yes, wait until the new

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standards are written."

In Mike Synar's committee in Washington this week, the DOE admitted there will probably not be enough data to conclude the experimental program in the five years. What then is the environmental impact of possibly having to remove the barrels after a ten-, 15- or 25-year experimental program?

Mike Synar's committee also reports that the DOE RCRA no-migration petition is deficient, and to complete it by February, 1990, would be very ambitious. Also, if the DOE is given a no-migration petition, this will be the first place in the country to allow land burial of this type of waste.

Since the DOE cannot even identify what is in the barrels, if there is a breach of containment, we don't even know what's leaking into the environment. This is unacceptable.

The supplement DOE has just released is so full of mistakes and meaningless misinformation, I recommend that it be declared invalid as a reference for any future document on WIPP and reissued in a draft form so as to incorporate the concerns that are being raised at these hearings..

We're also here to send political messages to your New Mexico delegation: no land withdrawal

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of any kind until we know we're protected from the DOE. It is amazing to me the environmental state of our planet.

The National Society of Scientists has reported that we're on the verge of a global ecological crisis that goes way beyond national boundaries and beyond national security. The only thing left for us to do is to fight for the survival of this planet.

Observing the DOE's pitiful track record, I don't trust the DOE with one more inch of earth. The DOE has not cleaned up its 200 billion dollar mess, it should not be allowed to continue its shabby performance. Leave the waste where it is instead of dragging it across the country. You'll never clean up Rocky Flats, Fernald or Savannah River. Leave it where it is in aboveground, closely monitored storage. Focus your attention on the barrels in the ground that's leaching into the Mother Earth. Clean up your mess.

I also object to the cozy relationship between the DOE and its contractors. Westinghouse, the contractor for WIPP, is not liable for anything, including environmental contamination. Just like the people of Fernald, Ohio, found out when they

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tried to sue Westinghouse for dumping tons of uranium into the air. Westinghouse shrugged its shoulders and said, "We're just following government orders."

Then I found out Westinghouse is involved with 295 out of 300 committees and subcommittees in Washington. This makes me wonder, "Who is the government? Is Westinghouse invested in the government or is the government invested in Westinghouse?"

Despite the TRUFACT's release amount -- they release an amount of radiation, so if you stop next to a red light by a WIPP truck, you'll get a dose of radiation. The argument is that this is a small dose of background radiation. Well, background radiation goes up every day with DOE releases. The background level is not the same it was before the first bomb test. WIPP is planning for routine releases. It's consistent with the same mentality that plans to incinerate at Los Alamos.

A policy of continued emissions facilitated by exemptions and waivers in existing regulations does not conform to the DOE's recently stated objectives to clean up -- of cleanup and policy reform.

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The Chernobyl accident has had a devastating effect on Europe, its people and economy. Lapland and its agrarian culture, people living off the land and eating berries and nuts and mushrooms can no longer do so. All 50,000 head of their reindeer must be destroyed. This culture was a victim of radiation. We're polluting our country and people in the name of national security. The US Government is attacking its people, just like the Chinese government has attacked its people. The choice of weapons is the only difference.

The indigenous people of this land, whom we call Indians, only make decisions in relationship to their effect on the seventh generation knowing all life is interrelated. They are careful in what they leave for their future generations.

Honor the earth, honor yourself, honor the people, honor all relationships, and I thank you for taking the brunt of the DOE comments.

MR. ZIGUREN: I'm now informed that commentor 64, whose name who I called earlier is here, Jane Telep. State your name and address for the record. You have four minutes -- the green light goes on at four minutes and at five, the red.

MS. TELEP: Thank you for this

9-1

opportunity. My address is 330 Old Santa Fe Trail, and I want to thank you for this opportunity to speak.

First of all, my awards for public speaking is exceeded only by my love for New Mexico.

I am against WIPP. I don't believe it's safe, I don't believe it's wise and I don't believe it's fair. Four years ago, I moved from the Land of Enchantment to Utah, the Land of Unenchantment, and since then I have recently moved back. 1-2

I was shocked to find out that WIPP was actually going to go through after all the people that I knew were against it and had written letters against it. I don't think it's safe to truck any toxic or hazardous waste across the country's highways, much less one block from my home. I don't think it's wise to contaminate a beautiful, new state when we already have several contaminated states already. I think we're smart enough human beings to come up with other alternatives. 7.3.3-3 7.3.5.1-12

I don't think it's fair to us, the people of New Mexico, to give us something that we don't want and haven't wanted since the beginning. I challenge our representatives to really represent 3.1-2

us, to take some responsibility and say no to an ecologically unsound project. 3.1-2

I stand up here -- very nervous -- to say, let's keep our New Mexico the beautiful sacred land that I believe it is.

Thank you. 15-Jun-89: TS-00381, PAGE 3 OF 3

MR. EIGUREN: We're back to the order we left off earlier and that was order 74. I would call Mary Masuk. Mary.

MS. MASUK: Hello. My name is Mary Masuk. I live at 2600 West Zia Road. I'm a nurse practitioner and I also hold a master's degree in public health.

My main concern is that WIPP should not open unless it meets updated EPA standards. I also feel that these short hearings do not give sufficient time to address public concerns and that having these hearings simultaneously in three rooms is a breach of the public right to hear the disputes. I'm really nervous. 8-7

When I first read about WIPP last year, my reaction as a person and also as a nurse was that many people would be in danger. After reviewing the SEIS, my initial impressions were verified. It was clear to me that WIPP would be repeating the same

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type of mistakes that America has made in the past with nuclear hazardous waste disposal.

By focusing on WIPP, the DOE has chosen the most dangerous alternative. SEIS does not give equal consideration to safer alternatives, such as aboveground, monitored retrievable storage facilities at the site of waste generation. 3.6-2 5.3-1

Is it logical -- I don't think it is -- to drive wastes down major interstates of this country emitting low levels of radiation into thousands of homes with the added risk of a traffic accident, which could potentially contaminate groundwater, air and soil on a massive scale? 7.3.5.3-1

There are many other problems. We don't have adequate evaluation strategies; they are just about nonexistent. First-response health teams have minimal training and minimal protection for themselves and New Mexico has limited decontamination facilities. 7.12.9-1 7.12.9-2 7.12.9-4 7.12.9-7

The DOE does not include human errors in their statistics even though this was the cause of Three Mile Island, Chernobyl and Exxon oil spill. 7.3.5-1 7.13.3-1

The trucking firm contractor to carry the TRUPACT containers has no experience with hazardous waste and it is a nonunion company. That means that 7.3.2.1-10

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if there is an honest worker who notices safety errors, he or she would be less likely to report it to his supervisor for fear of losing their job. 7.3.2.1-10

Of course, I'm a nurse, so I'm concerned about worker safety. The SEIS makes no calculations for radiation exposure to WIPP workers. 7.13.4-2

An article in the New Mexican on June 7th quoted a scientist as saying, "A person may receive two to three percent of a year's worth of radiation by standing within ten feet of a TRUPACT container for 30 minutes."

I calculated my own calculations and this means that WIPP drivers sitting for an estimated six hours daily near the containers would receive about a year's worth of radiation in one working week. The health effects of radiation are cumulative, which means damage to body tissue increases with each added amount of radiation exposure, and this is even worse for young people; the effects are more. 7.3.5.1-36 7.3.5.4-2

We have underestimated the number of radiation-induced cancers, miscarriages, congenital malformations and immune suppressed conditions that were caused by being sloppy with our radiation.

There is one study that not many people know about, it's called the Hanford Study, it's at 7.3.5.2-4

the Hanford Power Plant in Washington. Scientists there, the ones who tried to be honest, predicted that actual cancer deaths of workers would be estimated six to ten people per 10,000. This does not even address morbidity. This statistic shows an unacceptable level of worker protection.

The DOE is rushing into a sloppy WIPP decision. It is clearly a repetition of past irresponsible behavior, and the worst part this time is that it's a decision that will affect the health of 3,400 generations to come. 15-Jun-89: TS-00382, PAGE 4 OF 4

MR. EIGUREN: Thank you. Our next scheduled commentor was Mary Hall. Mrs. Hall spoke earlier as a representative of the Unitarian Church.

Barbara Breaux? 15-Jun-89: TS-00383, PAGE 1 OF 3

MS. BRO: Barbara Bro, spelled B-r-o rather than e-a-u, I live at 209 High Park Estates.

MR. EIGUREN: We can't quite hear you.

MS. BRO: My address is 209 High Park Estates. Is that better?

MR. EIGUREN: Yes, ma'am.

MS. BRO: Thanks for letting me speak. I recognize that it is the responsibility for -- of the DOE to select a site and arrange for the safest

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7.3.3-1

disposal of radioactive waste as is possible; the "as possible" is, of course, the key phrase.

I've heard it said that a certain risk is the price we must pay for the convenient source of the energy we all demand. We must ask, the risk to whom?

Is it legitimate for the DOE to presuppose, as they have, that eight persons may well die as a result of transporting wastes to the WIPP site? Which eight people will it be?

If I happen to live in Las Cruces, El Paso or Juarez, I would be very concerned that every facet of the safety of the deposit had been thoroughly investigated before any nuclear or chemical wastes were put in place, and if I lived fairly close to the WIPP route, as I do, I should be equally concerned about the radioactivity of the trucks and containers passing by.

This has all been heard a number of times, hasn't it, but still official carelessness at nuclear facilities has been coming to our attention increasingly often. Those who suffer from this are the nearby populations rather than decision makers.

In our country, we're accustomed to thinking that every person's life is precious; even

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in a poor state like ours, sparsely settled, these few persons are valued. The least scientific among us is aware of the technological discrepancy between the production of nuclear energy and the disposal of its wastes.

It would be interesting to know about our country's financial priorities in meeting the problem. What part of the nation's budget to public agencies is apportioned to safer radioactive waste disposal and how much of a commitment is there to finding less-dangerous alternative energy sources?

Can we do more with government-sponsored conservation of nuclear energy? We have wind in our state and sun, yet I see no windmills beyond those used for pumping water for cattle. The sun seems to have gone behind a cloud now as far as solar energy is concerned.

Considering the known but disregarded risks of the WIPP project, let's have no waste deposited in New Mexico before EPA standards have been met.

Thank you. 15-Jun-89: TS-00383, PAGE 3 OF 3

MR. EIGUREN: Bruce Throne?

MR. THRONE: My name is Bruce Throne. I live at 1623 Ben Bur Drive here in Santa Fe.

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From 1981 to 1982, I was an assistant attorney general for the State of New Mexico under Jeff Bingaman and was responsible for the WIPP project, and in that capacity, I had an opportunity to spend hundreds of hours studying the Draft Environmental Impact Statesent and the Final Environmental Impact Statement, as well as the Consultation and Cooperation Agreement between the state and DOE. So that's my background.

And before I make my comments on the SEIS, just a couple of observations. First of all, thank you for the opportunity. I think it's a very good sign in this country when a government still takes its obligation seriously and files a document like the SEIS, which was obviously legally necessary but also scientifically necessary for you folks and you're to be commended for making the effort to do so.

I also wanted to just make a comment about your role. You have a difficult role, Mr. Jones, Mr. Arthur. I haven't met you. I've met other individuals who were on the project prior to going into the project, but the difficult role I think you have now is listening.

As a lawyer, I found that one of the

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hardest things for lawyers and their clients and everybody else involved in this process is listening, particularly when you have a mission that you're given and I -- I'm sure that there is no one with the DOE that wants anybody to be hurt and exposed to any unnecessary danger, but you've been given a mission, and I think the hardest thing now is to get some valuable input and really have an open mind with some of these comments.

I haven't sat through all of them, perhaps some of them might be repetitive, but that's my only plea to you folks is to listen as hard as you can, especially --

MR. EIGUREN: Quiet up there, please. Sorry, Mr. Throne.

MR. THRONE: I think it's unfortunate when it's personal and makes it hard to listen, so I just want to commend you, I know how long you've been sitting here. I came by at 3:00, I don't know if you were here then, but it's late now and I appreciate that you're making the effort.

One of the things that's -- that I think is important to keep in mind is what happened in the 1981 lawsuit, which I prepared, and the settlement of that lawsuit. That lawsuit, when it was settled,

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was not intended to cure the problems that were inherent in the Final Environmental Impact Statement. The problems with that document were set forth in the complaint that was filed. The case was settled fairly soon thereafter, but the basis for that settlement were changes in the Consultation and Cooperation Agreement between the state and the DOE; not curing the problems in the Final Environmental Impact Statement -- I'm not here to rehash that, that's water over the dam -- however, I think it's important to recognize that the supplement, to a great extent, inherits some of the problems in that earlier document.

I don't know if you were involved in that process or not, you as individuals, but you came along on the scene -- and the players keep changing as they do in government -- and you've had to deal with some of those problems and I think it's important for me to make clear that my comments go -- are focused on the SEIS, as you've requested in this proceeding, but there are a whole lot of problems that can no longer be addressed because of the decision by the Department of Energy to issue its final decision on that document in light of the lawsuit.

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Let me move to the specific comments that I have. I submitted written comments. I hope those will be read.

First, on waste characterisation, the DOE put out a document in June of 1988, which is your DOE WIPP 88-01, which was entitled, "RCRA Compliance with the Department of Energy's WIPP Plan," and it talked about the fact that fairly substantial percentages of waste that was generated back in the mid-'40's and the early '50's, particularly when we were first developing nuclear weapons in this country, were disposed of in a manner that did not allow -- did not allow the DOE to now accurately characterize what's in the containers that they are in now.

That document discusses that problem in length and talks about the fact that the DOE considers it to be too dangerous for personnel now to inspect that waste and identify those contents. I didn't see any reference in the SEIS to this problem, the unidentified waste problem.

It's one that I think ought to be addressed in the document on a number of levels, not only the question of how emergency preparedness personnel are going to respond to a situation, but

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really whether or not that problem can be dealt with more effectively than simply sending unidentified waste through; not only in terms of transportation, which is certainly the serious issue for communities like this and others along the WIPP route, but also for burial. I don't think that it's a responsible thing for our society now to bury unidentified waste with the possibility that 50 or 100 years or 300 years from now there is a breach or some problem at the WIPP site and people don't know how to deal with the problem -- even begin to deal with the problem, because they don't know what is in those particular canisters.

Now, it may be as you -- as was stated in in the 1988 DOE document, that it's a real problem and that nobody knows what to do with it, but I think that more time ought to be spent on that and it should not be just allowed to go ahead and be sent in that form, particularly in light of some -- and, of course, you never know what's true in the papers anymore, some of the revelations that are coming out about Rocky Flats and unidentified waste up --

MR. EIGUREN: Mr. Throne, you're going to have to bring it to a close. You're going over your

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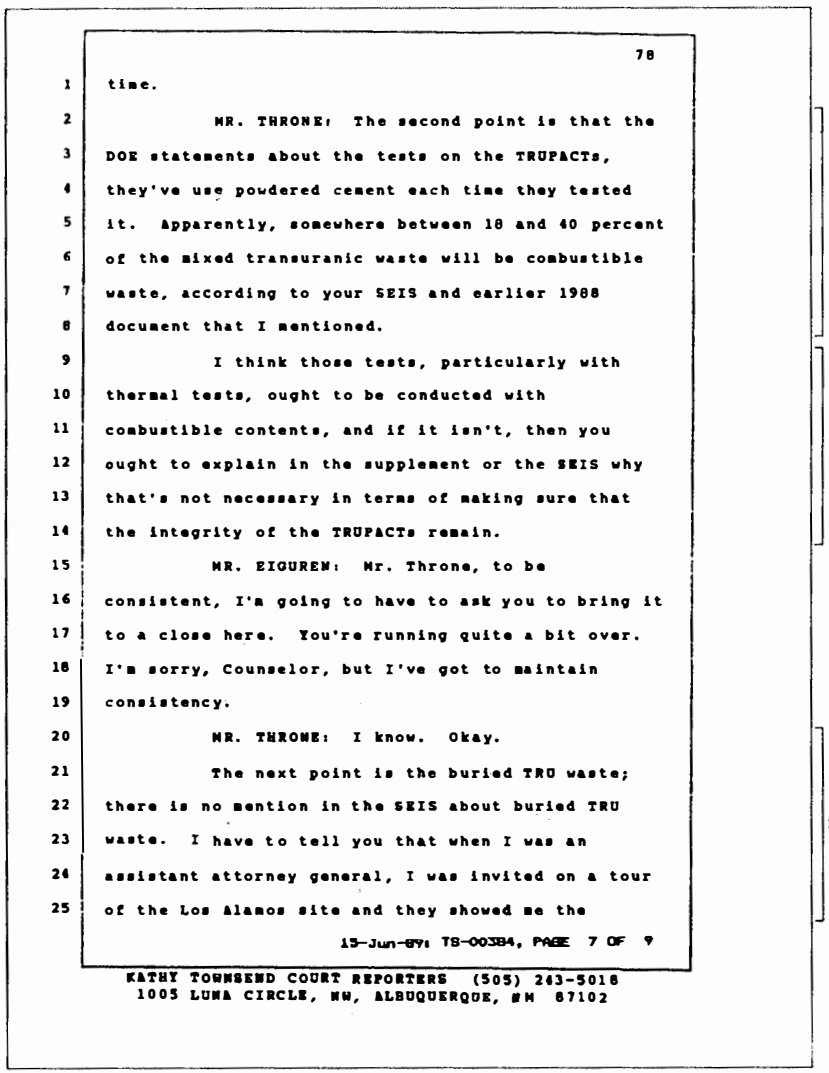

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time.

MR. THRONE: The second point is that the DOE statements about the tests on the TRUPACTs, they've use powdered cement each time they tested it. Apparently, somewhere between 18 and 40 percent of the mixed transuranic waste will be combustible waste, according to your SEIS and earlier 1988 document that I mentioned.

I think those tests, particularly with thermal tests, ought to be conducted with combustible contents, and if it isn't, then you ought to explain in the supplement or the SEIS why that's not necessary in terms of making sure that the integrity of the TRUPACTs remain.

MR. EIGUREN: Mr. Throne, to be consistent, I'm going to have to ask you to bring it to a close here. You're running quite a bit over. I'm sorry, Counselor, but I've got to maintain consistency.

MR. THRONE: I know. Okay.

The next point is the buried TRU waste; there is no mention in the SEIS about buried TRU waste. I have to tell you that when I was an assistant attorney general, I was invited on a tour of the Los Alamos site and they showed me the

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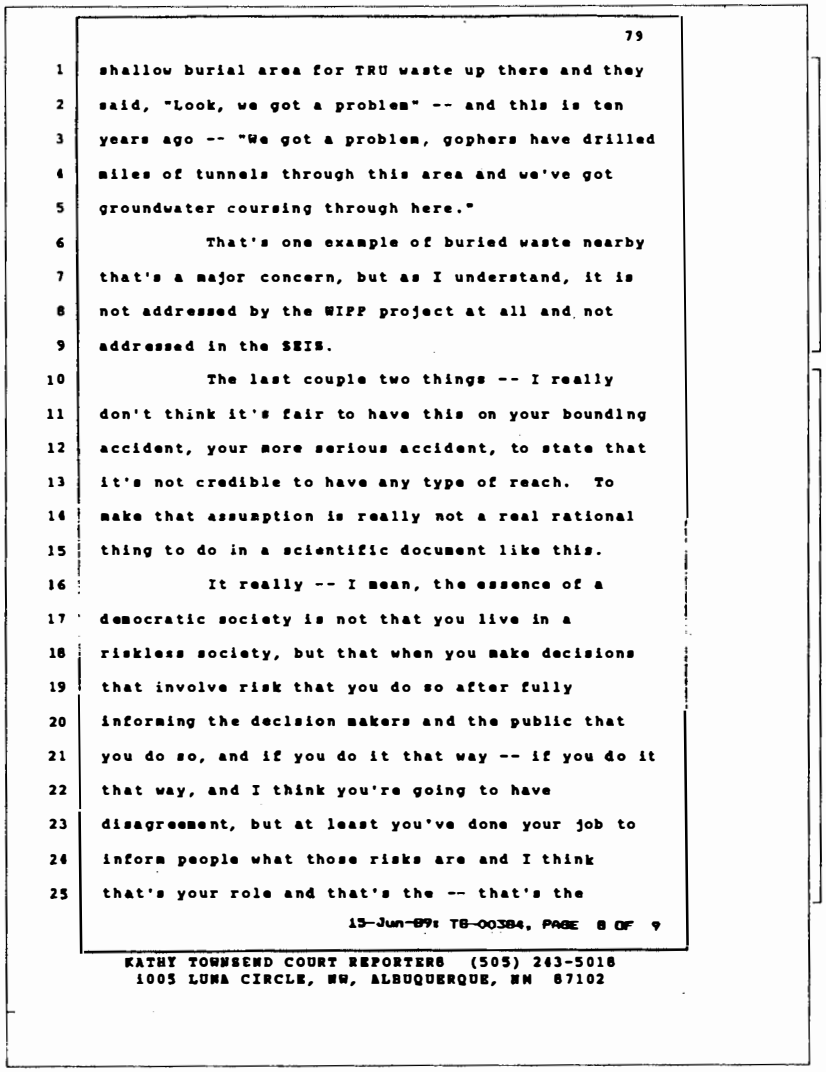

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shallow burial area for TRU waste up there and they said, "Look, we got a problem" -- and this is ten years ago -- "We got a problem, gophers have drilled miles of tunnels through this area and we've got groundwater coursing through here."

That's one example of buried waste nearby that's a major concern, but as I understand, it is not addressed by the WIPP project at all and not addressed in the SEIS.

The last couple two things -- I really don't think it's fair to have this on your bounding accident, your more serious accident, to state that it's not credible to have any type of reach. To make that assumption is really not a real rational thing to do in a scientific document like this.

It really -- I mean, the essence of a democratic society is not that you live in a riskless society, but that when you make decisions that involve risk that you do so after fully informing the decision makers and the public that you do so, and if you do it that way -- if you do it that way, and I think you're going to have disagreement, but at least you've done your job to inform people what those risks are and I think that's your role and that's the -- that's the

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mechanism that you have and I thank you for the extra time. 15-Jun-89: TS-00384, PAGE 9 OF 9

MR. EIGUREN: Thank you. Now I'm informed that Lanya Reese has arrived.

State your name and address for the record, please.

MS. REESE: I understand it's the gold one, right?

MR. EIGUREN: I'm sorry?

MS. REESE: It's the gold one, right?

MR. EIGUREN: It's the gold microphone, correct.

MS. REESE: Lanya Reese, Box 756, Chimayo, New Mexico, 87522. 15-Jun-89: TS-00385, PAGE 1 OF 3

I'd like to speak to you today as a medical provider from New Mexico. I'm licensed in the state as a physician's assistant and as a midwife and have been practicing here for 17 years. As such, I'm very concerned about the future health of New Mexico.

In my capacity, I have been trained in management of radioactive accidents. There are seminars and training programs around the state now with the anticipation of WIPP coming into the state. In these training programs, all that we can

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7.13.1-8

be trained to do is minimize the damage from the exposure from any possible nuclear accident. There is, of course, no cure.

As I've attended these programs, I've asked myself, why are we allowing this? Is it even a possibility to the people of our state -- why are we presenting this new risk to the already dangerously high levels of potential nuclear-connected health problems in this state? That radioactivity causes health problems is undeniable. There are certainly higher areas of cancer, leukemia and birth defects from radiation level increases.

I personally commute down the planned WIPP route every day with my children. I'm not interested in increasing our risk of radioactive exposure by having to commute with WIPP transport trucks.

I wonder why the governor of Idaho considers nuclear waste so undesirable and so anxious to get it out of Idaho and why Governor Carruthers is so anxious to bring nuclear waste here. We know that the nuclear waste in Idaho can remain there with only its present level of radiation for at least another 30 years.

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I personally would like a guarantee that any nuclear waste brought here will not cause the problems they've seen in Rocky Flats, Savannah River and in Idaho. It's hard to believe, reading the newspaper recently about the recent problems in Rocky Flats that our state government could desire to bring in potential problems such as these to this area.

There are alternative sources of energy that do not involve health risks, that do not involve training programs for medical providers to manage accidents from solar energy. Seventy million dollars would go very far to pursue these energy alternatives.

I personally want no nuclear waste in New Mexico, but if we have to have it, at the very least, I think what we can expect from our government is new, updated EPA standards that realistically provide a minimum possible health risk to our population, and that we, us citizens of New Mexico, should demand that any nuclear waste plan meets these new EPA standards before WIPP can be opened.

Thank you for your time.

MR. EIGUREN: That completes our list of

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scheduled commentors for tonight. I will go ahead and call the names of the two individuals who were not here earlier. First was Shaw Robert. Shaw Robert?

Linda Hibbs? Linda Hibbs?

Is there anyone else here who has not had the opportunity to testify? Yes, sir.

MR. JENKINS: Yes, I was supposed to testify at 10:50. Apparently, that's --

MR. EIGUREN: You can go ahead and take the podium and give us your name and address, sir. You have five minutes to comment.

MR. JENKINS: My name is Milton Jenkins. I live at 1108 Santa Clara Drive here in Santa Fe.

My concern is not only with the WIPP site itself, but the larger issue that it represents to me and that is that the fact that a couple hundred years ago, you know, we developed a system of government which gave small states, like New Mexico, at least some voice in the running of these -- the way this country is run, and it seems to me that what is happening right now is really kind of a breach of trust because what it boils down to -- what it boils down to is that the big states are really shoving this thing down our throat.

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We don't want it. We don't need it. It's not our garbage in the first place. I have to wonder -- I have to wonder if New Mexico can be the nuclear garbage dump of the United States today, how long do we -- how long is it going to be before we become the nation's chemical waste dump or the nation's conventional garbage dump? You know, I learned that a garbage barge that came here -- they didn't come here, pardon me, but a garbage barge that went from New York City down to -- down the Atlantic Coast and Gulf Coast -- I happened to be living in Florida at the time -- of course, it was turned away by the State of Florida, rightfully so.

It seems to me that the only logical place for this nuclear waste to be stored, by goily, is where the stuff is generated. We're not generating -- we're not sending our nuclear garbage to other states, they have no right to send their nuclear garbage to New Mexico. And I'm telling you people that you can take this to the bank, it won't be long before they do want to make some small state -- and it could very well be New Mexico -- the nation's chemical waste dump and the nation's conventional garbage dump, too.

MR. EIGUREN: He has one additional

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thing.

MR. JENKINS: Basically, what this -- the location of this WIPP site proves is the old adage that haste makes waste.

Quite frankly, this is really a case of rape.

MR. EIGUREN: Ladies and gentlemen, that completes our list of scheduled commentors for this evening's session. It would be our intent at this point in time to recess this public hearing and resume it tomorrow morning beginning at 7:00 AM in this hearing room.

One thing I would note for the record, a number of you have indicated to me that the format of this hearing is not conducive to audience -- the audience being able to see the hearing panel and I think in the morning we'll move the hearing panel and myself down on the main floor and we'll also get a new podium with a better mike on it and, hopefully, that will work a little bit better.

Yes, ma'am.

MS. LOFFER: I signed on as a walk in and I was supposed to be able to talk tonight.

MR. EIGUREN: What's your name?

MS. LOFFER: Toby Loffer. I signed out

there and they said I was on the list.

MR. EIGUREN: Go ahead if you'd like to. Please give us your name and address for the record.

MS. LOFFER: My name is Toby Loffer and my address is Care of Wild Things, 227 Don Gaspar, Santa Fe Village, Santa Fe, New Mexico, 87105.

MR. EIGUREN: Spell your last name.

MS. LOFFER: L-o-f-f-e-r. I've been here for almost two years. I came here because it's beautiful here. I came here because it's wild here. I came here because I wanted to feel that God is in his land. That's why I'm here. I have a circle of wild things because I represent the last of us that have a certain kind of reverence for that which is wild, and wild comes in many forms. It comes in internal assets, as well as external, the forest and the mountains.

I came here because it's beautiful and deep and intense, the beauty here. If you paid attention to it, if you really paid attention to that beauty, it would come through to you and you would feel it because it has sacred energy; it really does. It's ancient and it's now.

A lot of people are coming here because of

that reason. There is a little land left -- you know that, don't you? We have a country that we've destroyed. I've lived all over this country. I'm from Pittsburgh, Pennsylvania. I've lived in Colorado. I've lived all over California. I lived all over this country and I see every place that I've lived destroyed. Every single place I have lived has been destroyed.

You can't breathe the air, the land; you can't eat the food off the earth because the fish is contaminated. You have to be very careful with the water you drink because it's contaminated. I buy bottled water no matter where I am because the water is not clean anymore. The fish has got mercury in it.

What are you going to do to our land? This is the last of the land. This is the last of the natural beautiful land. We have to stop somewhere. There is only one place live, one place, New Mexico, and then we can take this place and we can make a statement. This is beautiful land. This is holy land. We're going to honor this land. We're not going to use it as a waste dump. So that people who are on a higher level of consciousness -- and I can see consciousness very clear because my

real reason I'm here is because I'm a psychic channel.

I'm here to expand my assets and I'm here to teach people expansion beyond all those darknesses so we can be higher levels because we're here for a higher level than what we think we're here for. Most of you people are constricted and contracted and are from the old ways. It's not working. Can't you see it is not working?

We are destroying the whole earth. It's in a crisis. If we can take this land and we can turn it around and heal this land and not let this land get ruined by what you guys -- what all the constricted -- constricted people have done to all of our earth, then we can take this land and we can make an example -- an example of what we can do for all of this earth.

I don't want this land destroyed, you understand, and I know it's going to destroy this land. I don't want to be here if you plant nuclear waste in my land. I don't want to be here, and then where am I going to go because there is no land left. There is no place left on this earth that we can live and hold sacred any longer and you've got to stop somewhere now. Okay?

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Thank you.

MR. EIGUREN: That concludes our list of commentors for this evening. We'll stand in recess until the hour of 7:00 AM tomorrow morning. Thank you all very much.

MS. LOFFER: Thank you for letting me speak.

(Proceedings in recess at 10:40 PM.)

STATE OF NEW MEXICO)
)ss.
COUNTY OF BERNALILLO)

I, Kathy Townsend, the officer before whom the foregoing hearing was taken, do hereby certify I personally recorded the speakers by machine shorthand; that said transcript is a true record of the proceedings; that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this matter is taken, and that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

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BEFORE THE UNITED STATES DEPARTMENT OF ENERGY

IN THE MATTER OF THE SUPPLEMENT TO THE ENVIRONMENTAL IMPACT STATEMENT FOR THE WASTE ISOLATION PILOT PLANT PROJECT) Public Hearing

TRANSCRIPT OF PROCEEDINGS

June 15, 1989

Evening Session - 8:25 PM

Room 1

at

Sweeney Center
Santa Fe, New Mexico 87501

BEFORE

HUGH O'RIORDAN, Hearing Officer
ARLEN HUNT, DOE
PAT SALLANI, DOE

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MR. O'RIORDAN: At this time I will formally open this evening's public hearing. This is United States Department of Energy proceeding EIS 0026-DS, held on June 16, 1989. This meeting is beginning at approximately 8:25 PM in Santa Fe, New Mexico, in the Sweeney Center, Room 1. The purpose of the meeting is for receiving comments regarding the Draft Supplemental Environmental Impact Statement prepared in relationship to proposed operation of the department's Waste Isolation Pilot Project located near Carlsbad, New Mexico.

My name is Hugh O'Riordan. I'm an attorney in private practice. And it is my duty to assure that all interested persons, organizations, have an opportunity to do two things: first, to present their information relative to the WIPP project to the Department of Energy and, second, to ensure that all parties are allowed to provide comments on all significant issues and any additional environmental evaluation and analysis.

As a hearing officer, I do not serve as an advocate for or against the proposed action in this proceeding, and my sole purpose at this hearing is to provide all persons a fair and equal opportunity for comment on the record. At the present time we are just

beginning. We have a few people here. It is our intention to call the preregistered speakers first and then to ask for the at-the-door registrants. Have you folks registered to speak? I know there's not many people here, but everyone that's going to speak, let's register and then we'll kind of start up.

I should also note for the record that we have two people from the Department of Energy here, Pat Sallani and Arlen Hunt. Can everyone hear me? My microphone is not working, but the room isn't too big so I don't think you will have a problem hearing me. After all, you're not really here to hear me anyway. What I would like to do is have the preregistered speakers go first, and then we will have those who registered at the door. I have a list of the people who registered at the door in the order that they have registered.

This testimony or comment is for a five-minute period. The green light goes on at four minutes and you have a minute to wind up. I would ask everyone to show each other courtesy and show the same courtesy to the speaker as you would like to have shown to you when you are speaking. I know there's a lot of strong feelings either way. I think it's a measure of how good of people we are that we can show courtesy to

a person who we, frankly, disagree with. As a matter of fact, the more we disagree with the person I think it's better we show them more courtesy. For those of you who didn't hear this morning, the written record is open until -- I believe it's July 11.

THE CLERK: It was extended.

MR. O'RIORDAN: It was extended to July 11. You can submit written testimony today at the hearing and we'll mark it, or you can submit it separately in writing. We have a court reporter here, and some of you may not have spoken before with a court reporter present. I would ask you to speak slowly or at a normal speed, but not too fast, and distinctly, so she can capture your words. It's real hard for her to keep up with someone who talks fast. It's a problem I had and I learned it during the practice of law.

Our purpose here is to gather information and to get comments. And I know we're in separate rooms from the big room, but our idea was to give every person a chance to say what they had to say. Each person's comment is important. And to go back to the courtesy you owe each person, I think each person has worked on their comments and every person owes the other one their right to say it and have their comments put on the record. What I would like to do now is I'll

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call the preregistered speakers in the order I have them, and then we'll go to the people registered at the desk. I appreciate you all coming today. Is Bill Gould here?

MR. GOULD: Don't take it out of my five minutes, but I want to welcome the people from Carlsbad to Santa Fe.

MR. O'RIORDAN: Please start by giving your name and address. I don't start the clock running until you've given your name and address.

MR. GOULD: Good evening. My name is Bill Gould, G-o-u-l-d, Route 10, Box 88-T, Santa Fe, 87501. I'm a professional engineering modelmaker with a background in the weapons industry. I have been self-employed since 1973. I am a co-founder and serve on the steering committee of Concerned Citizens for Nuclear Safety. I also serve on the steering committee of the Conservation Voters Alliance. I am also breathless from running up and down the stairs.

For the record, I protest the manner in which these hearings are being conducted. The DOE stated this morning that three parallel hearings were within NEPA compliance. I state that you are violating the spirit of NEPA and the mandate for full, nonexclusionary public participation under NEPA.

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There are many flaws in the SEIS, and I will address some now and others in my written testimony. One, the TRUPACT container testing program is inadequate because it does not include a crush test described in the SEIS as "the most dominant effect." Additionally, the tests do not include multiple contusion, that is, repeated attacks against a specific and defined test area. All materials, including 304 stainless steel, will workharden and perhaps fracture when subjected to repeated stress. This can, of course, lead to catastrophic failure. A recent DOE statement that a crush scenario would only affect the drums inside the container and not damage the container itself is ludicrous and illogical. Unless a crush test is conducted, DOE cannot prove the container is safe.

Two, the TRUPACT test must be revised to reflect a real-world credible accident such as might result from a roll down the Los Alamos cliffs during a winter storm that might delay emergency response. The test should be conducted with a nonradioactive load that does, however, contain certain hazardous and gas-producing volatiles. The test must accurately simulate an accident involving a train -- which would be the crush test -- and, separately, a propane truck at much higher temperatures than jet fuel. Only after

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7.3.1.1-15
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7.3.1.1-15
7.3.4-2

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surviving this test program will we accept certification. 7.3.1.1-2 7.3.4.1-1

Three, the SEIS does not consider human error as a factor in the TURPACT transportation program. The SEIS assumes that all aspects of design, construction, testing, inspection and operation will be perfect; that is, 100 percent performance, 100 percent of the time, with no possibility of human error. This ignors human nature and life in the real world. Human error will occur and must be factored into the RADTRAN model and reflected in the updated and revised Draft SEIS. 7.3.1.1-1 7.3.5-1

Four, the SEIS does not describe a mechanism by which an employee of a DOE/WIPP contractor or subcontractor may report safety or mechanical violations and deficiencies without fear of retribution. For example, the carrier contractor is a nonunion contractor, and the contract does not provide protection to the driver or the worker. This must be remedied in the contract and reflected in the SEIS. 3.1-2 7.3.2.1-10

Five, the SEIS uses obsolete and antiquated truck accident data as a base for critical assessments and justifications. Outdated NRC data compiled in 1977, over 12 years ago, does not reflect increases in traffic density patterns, drunk driving, in which 7.3.6.1-3

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New Mexico leads the nation, or the increase in human error and impaired judgment caused by substance abuse. A spot check of several states to see if the reported current data fits the model is not acceptable. DOE must compile post-1987 data from insurance companies, transport associations and other sources to adjust RADTRAN as necessary, as well as the SEIS. 7.3.6.1-3

Six, the SEIS states, and DOE has admitted, that there will be, in fact, radiation exposure to the public and persons near the TRUPACT, including the driver. However, the SEIS states on pages 5-16 that "exposures to the driver is only estimated." Additionally, the SEIS does not address the mitigation procedures planned to protect the driver from the effects of continued radiation exposure. 7.3.5.2-4 7.3.5.4-3

Seven, the SEIS makes excessive use of averages, moving averages and moving weighted averages that may hide the true impact unaveraged data may have on the findings. As a businessman, I know full well how moving averages can be manipulated to control data and influence bankers. 7.3.5.1-3 7.3.5.1-11 7.13-18 7.14-6

There are many additional issues that I and others will address in our written statements. Many will be easily resolved; others will doubtless end up in prolonged court battles. For example, I insist that 3.1-3

WIPP meet all federal standards, especially 40 CFR 191, Sub B, as repromulgated and approved by the federal courts. 3.1-3

In conclusion, I am deeply disturbed and concerned about the impact that possible human error, fraud, deceit and coverup by the preparing agency, the DOE, may have had on the SEIS process. After all, ladies and gentlemen, the SEIS is an environmental document created and prepared by a federal agency that is at this time under FBI criminal investigation for charges that include filing falsified environmental reports. Thank you. 3.2-1

MR. O'RIORDAN: Thank you, Mr. Gould. Would you like to make your comments part of the record?

MR. GOULD: Yes.

MR. O'RIORDAN: Your comments are Exhibit 400.

(Exhibit 400 marked.)

MR. O'RIORDAN: I would like to call next Brit Whitney. Is Brit Whitney here? Is James Brognan here? Is an M. Eriacho here? Is Bob Light here?

I should note that Bob Light is speaking in an individual capacity at this portion of the hearing, not as a state representative. And this is a courtesy

we have afforded to all elected officials for the record. I assume you have the same five-minute time.

MR. LIGHT: I assume I have the same five minutes?

MR. O'RIORDAN: You have the exact same five minutes.

MR. LIGHT: I have a prepared statement. I would like to present it after I read it. I'm pleased to be here. Ladies and gentlemen, officials with the DOE, it's a pleasure to be here before this group to support the opening at the earliest possible date of WIPP. My name is Robert S. Light. I am a state representative, District 55, Eddy County, New Mexico. 1-1

The WIPP site is located in southeastern New Mexico and has been in my district as a county commissioner from 1979 through 1983, and is now in my district as a state representative serving in my third two-year term. I have been privileged to attend meetings concerning the planning and construction of the facility from inception. I support its concept, as I feel it's necessary for this nation to lead the world in the safe disposal of our nuclear-generated wastes. Knowing WIPP is defense-related and will store TRU, transuranic mixed waste, it still represents to our nation and the people present here today an effort to

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safely store waste generated from the nuclear effort.

I'm an electrical engineer involved in the energy industry and view nuclear electrical power generation as a substantial form of energy for this nation. We recognize today a serious threat to the environment from the burning of hydrocarbons creating what is known today as the greenhouse effect. It is more serious, I think, than a lot of people realize, because it is creating something that we must control for the future. If we continue with a greenhouse effect and putting CO2 into the atmosphere, we're in serious trouble with our hydrocarbons, and that includes coal, oil, gas and any of the oil shales or tar sands.

Nuclear in its use generates no atmospheric solution. When it's used it puts out no emissions to the atmosphere. The problem exists on how to handle the waste product. Now, I admit that we have a lot of people in this world using nuclear, and they're probably not doing it well, as far as disposing of the waste. We have country's like Japan and France, who are at least 80 to 90 percent nuclear. We have Korea, which is 50 percent nuclear. And I think it's a very important source of energy. I feel the DOE, in constructing the WIPP site, has demonstrated to our

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community a sincere effort for safety, and its credibility in our community has not been questioned.

In closing, I would like to state that I strongly support all forms of energy, including wind, solar, geothermal, oil and gas, that includes the tar sands and the oil shales and nuclear. I have never found one without merit; never found a source of energy without merit. Our very lifestyle in this country depends on energy. I would hope that the people of New Mexico, whose state presently houses nuclear waste at the national labs, will support the effort made by the DOE to demonstrate to the world and our nation that the bedded salt in WIPP is a logical answer. I thank you. I want to present this to you

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MR. O'RIORDAN: Thank you, Mr. Light. Your testimony will be marked as Exhibit 401.

(Exhibit 401 marked.)

MR. O'RIORDAN: Is Christiana Brown here?

MS. BROWN: It's Christina.

MR. O'RIORDAN: I'm sorry. Your comments will be Exhibit 402.

(Exhibit 402 marked.)

MR. O'RIORDAN: Will you start by giving your name and address? You have five minutes. I'll flash the green light and you have one minute to go.

MS. BROWN: My name is Christina Brown. I'm at P.O. Box 407, Tesuque, 87574. I would like to state quickly at the beginning before I begin my WIPP rap that I think it's very unfair that you split up the hearings into separate rooms, because testimony can't be heard by everyone. 8-7

I would like to send a message to the DOE about the SEIS and what it fails to address. The economic impact of the plutonium release would be a disaster for the entire state. We all rely on the tourist trade. The effect would be negative if WIPP goes through. People come from all over to Santa Fe for its clean air and water. It's a natural place. Not only could a spill kill the people it hits, but the land would be poisoned because of it. 7.2-1

If shipments went through this city and state, the property values along the WIPP trail would decrease so badly it would ruin real estate. 7.2-2

Transportation is too risky on our mountain roads and the TRUPACT could never survive a crush test. The money generated from jobs at WIPP isn't worth it if we all end up dead from it. 7.3.1.1-9 7.3.3.1-15

DOE operations at other weapon sites already contaminate the land and people there. And I don't want the same thing to happen here. No, I don't want the same thing to happen here. 3.2-1 9-2

So no more new sites until you clean up your mess. Alternatives and cleanup are the way to go, and should be made the first priority. And short-term storage at existing sites is better than putting waste in the ground where it cannot be retrieved if something goes wrong. So no experiments and no shipments to WIPP unless environmental standards are complied with. Work to decontaminate, before you trash our state, the weapon sites that are radioactive. 5.1-2 5.2-1 5.2-2 9-2 1-3 3.1-2 5.2-1 5.2-2 9-2

We're dealing with matters of life and death, and rushing WIPP just is not the solution. You've lost the public trust with your arrogant ways. Health and safety have got to come first these days. WIPP's not ready with its cracks and its brine, and may not ever be within our time. I say to DOE and the military, if you can't prove it's safe, then don't make the waste. If you can't prove it's safe, then don't make the waste. Thank you very much. 3.2-1 3.1-2 3.6-1

MR. O'RIORDAN: Thank you. Is Jayann Sepich here? Sheila Sheyka?

MS. SHEYKA: Hi. My name is Sheila Sheyka. I am 11 years old. I am here from Zuni, New Mexico. I really do not wish for WIPP to come to New Mexico because it might ruin our environment and our lives. The nuclear waste could contaminate our water, air and 1-2

food. I hope there are enough people out there tonight to help stop WIPP from coming to New Mexico. We would all be very greatful if we could stop the WIPP route from coming through New Mexico.

If there was an accident, the nuclear waste could leak and ruin our lives. WIPP needs to meet the Environmental Protection Agency standards. WIPP needs to meet the EPA standards, because maybe the state government may not know what WIPP is doing to our environment. Workers may kill themselves and us. If the waste leaks, the future kids may get sick. Please think about your future and about the future of your kids. Thank you.

MR. O'RIORDAN: Thank you very much. That will be Exhibit 403.

(Exhibit 403 marked.)

MR. O'RIORDAN: I'm told that Jayann Sepich is here. You have five minutes. I'll flash the light at four minutes and that means you have one minute to go, for the rest of you that didn't hear.

MS. SEPICH: My name is Jayann Sepich. I'm proud to say that I'm a native of Carlsbad, New Mexico. As a child, I spent many happy summer hours swimming in the clear blue waters of the Pecos River. No site is more beautiful to me than the big blue sky that goes on

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forever over Carlsbad. And no people are more dear than my family and many friends that call Carlsbad home.

Carlsbad is a truly beautiful town, but the true beauty to be found in Carlsbad is her people. They're warm, gracious, caring and truly patriotic. The people of Carlsbad understand that radioactive waste is a critical problem facing our country. The accumulation of decades of waste is literally endangering the lives of people all over our country, and Carlsbad is offering a solution to this immediate problem.

In 1982, after having lived in other parts of the country while attending college and pursuing careers, my husband and I decided that we wanted to move home to Carlsbad. Even though we both had very successful careers, there was something missing in our lives that we knew we would find at Carlsbad, a special quality of life. My husband, who was also raised in Carlsbad, and I had heard about the proposed WIPP site, and we were extremely concerned. We acquired the 1980 Environmental Impact Study and read it cover to cover.

Even though we both have college degrees, I have to admit that all the technical data was not clearly understandable to us, so we went to Carlsbad

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and asked a lot of questions. All of these were promptly and fully answered to our satisfaction. If we had had any doubts, we would not have uprooted our families, our lives and moved to Carlsbad. So in July of 1982, we did move home.

It's now been seven years, and we have had a chance to see the WIPP site built. We know many of the scientists and engineers involved. They're our friends; they're our neighbors. Many of them have fallen in love with Carlsbad. Several have retired and chosen to stay on in Carlsbad. Would these high-level officials with hands-on WIPP experience choose to stay in Carlsbad it they thought it unsafe?

How safe is safe? If we needed to be 100 percent safe of everything, many of us would not ride in cars, we would not take baths, we certainly wouldn't clean our toilets. Over 1,100 people last year died from cleaning their toilets. I'm not exaggerating. When they put bowl cleaner into their toilet and decided they hadn't gotten it clean enough, they added a little bleach. They were dead before they hit the floor. Does that mean we need to go back to outhouses?

If you want to see awe-inspiring technology in action, I urge you to tour the WIPP site. I know

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many people who are opposed to WIPP because of misinformation would become supporters of WIPP once they took the time to learn the actual facts and see WIPP firsthand. WIPP is the safest alternative for the disposal of radioactive waste that exists today or that can possibly exist within the next 25 years.

In a choice between a haphazard, unscientific, totally inadequate disposal of our current stockpile of nuclear waste and an alternative that is the safest that can be built with current technology, WIPP opponents are choosing shallow -- and I mean three- to five-feet shallow -- landfills and, obviously, unsafe above-ground disposal over burying it 2,150 feet underground. I simply don't understand how intelligent people can support this kind of thinking.

Some people choose to believe that if no solution is found for the safe disposal of nuclear waste that the production of nuclear energy and nuclear weapons will have to be stopped. They are so opposed to nuclear anything that they choose to ignore the wastes that already exist. Others are truly concerned with the safety of WIPP and the safe transportation of the wastes through their towns. I'm part of this second group. I'm very concerned with the safety of WIPP. After all, I live in Carlsbad. No one has more

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to lose if WIPP is not safe than the people of Carlsbad. Because of this, we should have the right to demand the five-year test period of WIPP be carried out utilizing actual operating conditions. Laboratory testing cannot possibly duplicate the real-world conditions, so this is not acceptable.

The most important thing to me is to make the world a safer place for my children. I would love for my eight-year-old daughter and four-year-old son to choose to live in Carlsbad when they become adults. If they choose to live elsewhere, I know that the opening of WIPP will mean radioactive and hazardous waste will be disposed of in the safest manner possible, not setting on top of the ground contaminating the air that they breathe, or buried in shallow graves poisoning the water they drink.

I am an environmentalist. I'm also a realist. Radioactive waste exists, and it is not simply going to go away. We must deal with it in the safest way possible, and that is the Waste Isolation Pilot Plant. I support the opening of WIPP. I support a safer world. Thank you. 15-Jun-89: TS-00392, PAGE 5 OF 5

MR. O'RIORDAN: Thank you. Would you like to make your comments part of the record? Your comments will be marked Exhibit Number 404, if you

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would give them to our assistant here.

(Exhibit 404 marked.)

MR. O'RIORDAN: Is Brit Whitney here? James Brognan. M. Eriacho.

THE CLERK: That's Faith.

MR. O'RIORDAN: Faith Eriacho.

MS. ERIACHO: Hi. My name is Faith Eriacho. I'm from Zuni, New Mexico. I am here to testify against WIPP, Waste Isolation Pilot Plant. I am concerned about our enviornment and the animals and the people around us. What if the trucks carrying the nuclear waste had an accident on the highway? We wouldn't know what to do.

Where we live, we don't have any equipment or anything to get rid of the waste. The wind might come and carry the nuclear waste into another state or country. I read newspapers. There are articles on WIPP both good and bad. That's how much people who study on it know about this nuclear waste. I wish this nuclear waste was never made so it wouldn't destroy our Mother Earth. I hope the Department of Energy will not bury this waste until the WIPP site meets with the Environmental Protection Agency standards. The DOE will have to show and prove that the nuclear waste will be safe underground. I hope you listen to me, because

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not only do I care about my people but people throughout the world. Thank you.

MR. O'RIORDAN: Your comments will be number 405.

(Exhibit 405 marked.)

MR. O'RIORDAN: Is Doug Lynn here?

MR. LYNN: My name is Douglas Lynn. I'm an educator from Carlsbad, New Mexico. I teach college prep biology and biology II in high school there. I would like to present for you some objective opinions in relationship to the WIPP site east of Carlsbad. When I was first informed we were going to receive transuranic waste I was apprehensive, to say the least. Not only the fact that I was concerned for the safety of my three small children and my wife, I was concerned about they were placing it in one of my favorite places on earth, that's the sand hills east of Carlsbad.

In response to this, I started becoming acquainted with the people at the site. As a wildlife biologist, I'm very concerned about the desert and its inhabitants. The diversity and the animal and plant communities of the desert is nonrival. Anywhere in mountainous communities like Santa Fe doesn't have a tenth of the animal and plant diversity that we have in the desert. It's a wildlife mecca, more or less.

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I began doing studies about WIPP. I began acquainting myself with many employees at the site, because I thought that was a good barometer on how I could judge the integrity of the site by judging, more or less, the integrity of the employees at the site. I first became acquainted with the first deputy assistant manager at the site. I have since become acquainted with safety personnel. I have become acquainted with engineers. The health physicists have come to the high school and talked to the kids. And something that's really impressive about this is they stand in front of the kids and they don't wear WIPP cheerleader outfits, they don't jump up and down with pom-poms and spell WIPP. They simply provide the kids with facts.

They tell the kids what a rem is -- what a millirem is. They give them the arbitrary use for measurements for radiation. They tell them about household items that emit radiation. They tell them about the different kind of emitters. Kids that walk into the meeting opposed to WIPP usually walk out of the meeting still opposed to WIPP; they're just better informed. Kids that walk into the meeting as proponents of WIPP walk out of the meeting as proponents of WIPP. And they, too, are better informed.

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What I did is I wanted to get better informed, so I met these people and I became very highly acquainted with members of the environmental division. To date, they have put together literally hundreds of pages of baseline data, thousands of pages of baseline data. They have an intricate knowledge of the workings of the desert of that area. They have taken my high school science kids out and tracked airsocks through the desert, sophisticated radio telemetry devices that we can't afford at the high school. They have taken us out on Barnell Banning projects. That's all very pertinent data.

And one of the things that I grew to understand through all of this interaction between these people at the WIPP site is that the people I've met thus far are of impeccable honesty and integrity and they are dedicated to their cause. They are not only dedicated to the project, but they are dedicated to the safety of the project. And I'm speaking for those people I have met.

I do not now, nor do I foresee in the future, ever making a single solitary nickel on that site. I'm not up here for monetary reasons. I'm just giving you objective objections, things that I've seen. And the thing I like the most about the site is the

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educational opportunities that they're providing for our children in Carlsbad that are found nowhere else on this earth. A lot of people are adverse to the fact there has already been 700 million dollars spent on the site, but if you motivate one kid to learn, you've just got your money's worth. I don't have a written statement. Thank you very much.

MR. O'RIORDAN: For those of you who have just come in, we are going through the list of preregistered speakers. And once we conclude with those folks, we will have the at-the-door registered speakers make their presentations. Each person is entitled to five minutes. And I flash a little green light at four minutes which is, essentially, a one-minute warning. If you have documents or a copy of your remarks you would like to put in the record, if you would please give it to one of us and then we will mark it as an exhibit and will include it in the EIS record.

MR. LYNN: Does that mean if you don't have a written record it doesn't get included?

MR. O'RIORDAN: No. We have a court reporter here who is transcribing everything that's being said. And I would point out, for those of you who weren't here earlier, the court reporter needs to

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be able to understand what you say, so try not to talk too fast and try to talk as distinctly as possible. And also, the record is open until July 11, if you wish to submit written comments at a later date.

It's my understanding that James Brogan is here. If you would start by giving your name and address.

MR. BROGAN: My name is James Brogan. I reside at P.O. Box 8379, Santa Fe, New Mexico. I would actually like to start instead with my strenuous objection to the format of these hearings. This is clearly perceived, and I clearly perceive it as a divide-and-conquer tactic to split this community up and not give us the privilege of hearing our neighbors, hearing our friends, hearing the experts that have spent their time and their heartfelt consideration on these issues. To split us up like this is in clear contravention of any purpose of a public hearing.

This morning, listening in the opening hearing to the psychologist that spoke and challenged you on the psychology of how you are running these hearings, how you are addressing public concerns, your techniques, which are clearly in the realm of denial, repression, terms we understand even in high school psychology, and then to see you follow that through by

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splitting us up and not allowing us to sit with our friends in concert is manifest of everything that you have done in publicizing this project. It is also, to me, personally, a clear manifestation of just how afraid of the public you are.

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I have a second objection to your procedures. I got my card notifying me of my time to speak yesterday. That is either an example of clear administrative ineptness or a calculated effort, once again, to see that people do not have the privilege of exercising their right to speak to you. People have lives to live, jobs to run, family commitments. And to notify them 20 hours before their time to come here is, as I say, unfair and unconscionable.

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By way of further introduction, I would like to let you know that I was a contract administrator at the laboratory for laser energetics at the University of Rochester, Rochester, New York. While there, I was specifically and individually responsible for monitoring contracts with DOE -- research contracts -- contracts where I saw year after year after year the scientific mind pursue an overweening drive to proof a foregone conclusion. The conclusion was always set forth in the contractual statements beforehand, and then the research followed

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simply to mechanically prove itself.

My ethical questions with this technique of scientific research, this academic so-called pursuit, the falsified data, the contorted research, all without any consideration of human factors, human considerations, led me to change my lifestyle, leave that environment, that dishonest environment, and to come to this place, this city, this state, with I have learned to love and respect. And that is the attitude that I speak to you with tonight.

I have volunteered my time to CCNS and my voice to this community over the last 18 months, because my concerns over the WIPP implementation burn deeply in my heart. I wish there were a way to heal the riffs in public opinion and public perception that you, yourselves, have created with your running over public questions, with your road shows, with your denial of any kind of open information. There are specific and legitimate questions coming from the citizenry and, instead, we see what you have down in the lobby here -- public relations BS time and time again.

Consequently, I doubt any possibility that this might be healed. There are legitimate questions: Why? How dare you after Rocky Flats just proceed with

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your plans without any consideration of addressing public concerns? How dare you take the second best alternative in transportation choices and then not implement it with any road funds? How dare you not publicize the salt cracks in the SIES report, when by your own statement you knew about them a year ago or in December of '87?

How dare you not factor in any element of human error, something we've seen as recently as Valdez? How dare you proceed with this, with no disaster planning or training at any juncture? How dare you proceed without any respect for EPA standards or requirements? How dare you tell us that there are no alternatives? These are why questions that should have honest scientific answers, open-eyed answers. These are why questions that you don't have answers for. And these are why questions which, in the long run, must weigh heavily on each one of your consciences, personal consciences and, certainly, on your children's futures.

I implore you to listen to the people of this city, of this state, and give us the respect that you are imbued with as public officials. You are not scientific Gods; you are accountable to us. And I ask you to listen and properly implement an analysis of

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this project. Thank you. 3.2-1

MR. O'RIORDAN: Is Brit Whitney here? Is Kathleen Farmer here?

MS. FARMER: My name is Kathleen Farmer, P.O. Box 357, Zuni, New Mexico. I live on the Zuni Indian Reservation 200 miles southwest of here. You may wonder why I, living so far west, would be concerned about the Waste Isolation Pilot Project. I'm concerned about the future of our planet and for the generations that will follow us. Please consider these points: transportation of the transuranic waste is questionable. Bypass roads around populated areas were to be completed before waste was to be transported via truck, but are still incomplete. This means that waste will be traveling in very populated areas of the Southwest. 7.3.2-4 7.15.4-1

Ideally, the waste transported by rail would be significantly safer. The TRUPACT containers that will be carrying the waste have not been fully tested by NRC standards; the dynamic crush test and the pressurization test, for example. Test these transportation containers and make sure they meet the NRC certification to prevent any hazardous spills in transit. 7.3.1.1-9 7.3.4-2

Are we prepared if there is to be an accident and the TRUPACT containers leak the waste onto land or 7.3.1.1-2 7.3.1.1-17 7.12.9-7

into the air or water?

According to the SEIS record, the Department of Energy would prepare an emergency preparedness plan for WIPP. As to date, to my knowledge, this has not been done. Now to the WIPP site itself. The plutonium remains radioactive for 240,000 years, but the WIPP's controls are assumed for the first 100 years. The EPA standards only stipulate a 10,000-year containment. What could happen in the ensuing 200,000 years to that radioactive plutonium? 7.12.9-3 7.12.9-7 3.1-2 7.14-10

The site was chosen because of its salt bed. What about the inflow and outflow of brine? The brine would, over a number of years, deteriorate the containers, flow to the surface and expose the transuranic waste. The decomposing waste would generate gases. These gases could crack rock formations, thus pushing the brine out of the site and into the environment. There is a groundwater source above the site that could easily be contaminated. 7.12.8.1-3 7.14-17

Last week it was reported in the Gallup Independent paper that cracks were found in the ceiling and floors of two test rooms. These pose two problems: worker safety and ease of retrieval. If after six years cracks are occurring, what will happen in 100 years? In light of the recent investigations at 1-3

Rocky Flats, it is scary to think of what might happen in New Mexico. I urge you to listen to the people and not rush the opening of the Waste Isolation Pilot Project. Think about the comments and questions we have raised. Comply with EPA standards before the site is open and monitor it closely, for the sake of generations to come. Thank you.

MR. O'RIORDAN: Your testimony will be Exhibit Number 406.

(Exhibit 406 marked.)

MR. O'RIORDAN: Is Houstan Clark here?

MR. CLARK: Houston.

MR. O'RIORDAN: Sorry.

MR. CLARK: My name is Houston Clark. I reside at 1305 Lera Circle in Carlsbad. I am on the city council in Carlsbad. I'm not here primarily to talk about the economics. The economics is important to Carlsbad, but that's not the important matter which I would like to address.

First of all, I spent 41 years in the potash industry in New Mexico. That experience included underground and surface operations. My experience gained in that 41 years tells me, along with my knowledge of what WIPP intends to do, that no occurrence in a five-year test period in the geological

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formations is of any consequence. There has been talk recently of cracks in the floor. I can show you rooms in potash operations that have had cracks in the walls and floors and roof for 40 years. They're still standing there. They don't come down. They can be taken care of.

Another comment is brine flow. Brine flow is an inaccurate presentation of what happens. There is brine seepage. Small quantities of brine do seep out of the formation. They're small in quantity. They dry up in a period of time, and that's it. So there's no brine flow to worry about. It's a brine seep, and that will not be of consequence in the storage of the waste.

I also would like to say that in respect to what I understand to be the ultimate plan for the WIPP storage once it's put into operation, which means the permanent sealing of the waste in place, will happen and will occur properly. We've seen in potash mine operations in which you, in the terminology of mining, pull the pillars and let the roof come down. You get complete subsidance within the salt formation. You seal everything up all the way to the surface and it will not get out of there. I don't have a written comment, but that's my comment. Thank you.

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MR. O'RIORDAN: Is Bob Brown here?

MR. BROWN: My name is Robert D. Brown. I reside at 3823 Fleetwood, Carlsbad, New Mexico. I spent over 35 years also in the potash industry. For 15 years prior to my retirement, I was vice president and general manager of Amax Chemical Corporation, which is a large potash operation in Carlsbad, New Mexico. I am also a past president of New Mexico Mining Association and of the Carlsbad Chamber of Commerce.

I am very much in favor of WIPP. First, we need a safe place to put this material. The nuclear industry is not going to go away, and we need a safe place to put it. The people who think it is are -- surely our government would not be that stupid. The salt beds of Carlsbad, New Mexico, which have been geologically stable for some 250 million years, are probably the safest place in the world to put this material. 1-1

I would like to address two issues that were also addressed by Mr. Clark, and that is the issue of water contamination and the big water problem that has been in the newspapers and that sort of thing. Water is not a problem. As Mr. Clark said, the salt crystal itself contains from two-and-a-half to three percent moisture. And when you open an area up down 7.8.5-7

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there and you change the temperature and the atmospheric conditions, you'll get some seeping or a little bit of dripping which, generally, in a very short time when everything reaches equilibrium, stops, and you don't have a water problem anymore.

We have stored records in the mine that I was associated with for over 35 years. Those records are perfectly dry and in great condition still. A potash mine is one of the driest places in the world. There's just no moisture or humidity down there. As I say, we have been mining in the potash area for 60 years. Don't we know something about the water problems in the salt beds which are similarly and exactly the same geologic structure that the WIPP site has? 7.8.5-7

Then the idea of cracks. We have cracks in the potash mine. They're not a problem at all. You can control subsidance in these salt beds by how much you take out, by the rock mechanics of the thing. We, in our mine, got 90 percent subsidence. We wanted the top and bottom to come together. But when it does, it seals itself. It reseals itself. And cracks are definitely not a problem, nor is water a problem. 7.7.2-1

In Germany they have been mining over there for over 100 years. They are presently storing

hazardous wastes in a mine in West Germany and have been doing it since 1972. During that time they have not had one accident directly connected with the hazardous waste. They have had a little bit of mining accidents, and all they have had to do -- those areas were mined out from 30 to 60 years ago -- and all they have to do -- they're still remaining just like they were because they had primitive mining methods in those days -- they do have to go in and level out the floor and do a little cleanup and that sort of thing and they're ready to put the waste in. They're just exactly like they were when they were mined out 60 years ago. Does that sound like a big problem?

In my opinion, those two issues are just two more of the issues that have been brought out by the opponents of nuclear energy of any kind to try to confuse the public, try to stop the project or kill the project by any means possible. Thank you.

MR. O'RIORDAN: Thank you. Is Gail Ackerman here? John Heaton.

MR. HEATON: My name is John Heaton. I reside at 1008 West Riverside in Carlsbad. I am a pharmacist in Carlsbad. I was born and raised there, and myself and my family presently live in Carlsbad. While in college, I worked in the potash mines during

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the summer. My father was a mining engineer and came to Carlsbad in 1930.

And in regard to the brine issue, we have been quite amused on many occasions about the huge quantities of water that have been suggested coming in the formation. That just simply is not true. We have been there, we've seen it, we've experienced it, it just doesn't happen. It's one of the driest places I've ever been. 7.8.5-7

Rocky Flats has arrived at headline status once again, with many insinuations and accusations of illegal handling of waste and dishonest men and women both in and out of the government. I would like to suggest to you that these people are forced to choose the safety of their country by keeping our nuclear deterrents strong, because this country does not seem to be able to address and deal with the waste management problems we have.

If the weapons plants and the commercial production and power plants remain viable, the number one priority must be to effectively deal with wastes. We in Carlsbad have watched the WIPP project develop with great interest and concern over the last fifteen years. We have watched the construction, questioned and probed. We were like most of the state is now in

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the beginning. We were concerned about the most visible and closest point of potential contact, and that's transportation.

Our concerns were alleviated by engineering proposals, rigorous testing and eventual demonstrations of the virtual impermeability of tbe present TRUPACT container. I find overwhelming concern for the transportation issues almost ludicrous, when other vehicles containing much more dangerous chemicals and explosives and fuels in totally noncollision-proof containers are traveling our roads at will. If there has been any overkill anywhere in the engineering, I believe it's been in the transportation area.

As to the alternatives to be addressed by this SEIS, one, to do nothing, in my opinion, is absurd, and because we have chosen that course for so many years our country, I believe, is terribly, terribly compromised. The alternative to do all testing off site through skilled demonstration, in my opinion, makes absolutely no sense either. Because there is absolutely no way the environment of the site can be duplicated exactly in the laboratory. This sort of off-site testing will only serve to double or triple the questions about results, because the staging itself would be subject to question.

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I'm extremely concerned about the safety of the project, as are all the people of Carlsbad, from transporting material to placing it at the site, entombing it, monitoring it very carefully during the test phase and permanently. We are concerned about the people working with the material, their protection and their ability to handle it properly. We are concerned the facility will not be tested properly and adequately by not having enough test waste to actually demonstrate the various demonstration products, such aa the gas production, the hydrology consequences, pressure effects, air flow, incident demonstrations and other testing. Certainly it makes sense to test the facility itself as the project was proposed, if we are to interpolate to meet the EPA standards.

It must be rational to anybody with any reason that this approach will produce the most accurate, predictable results for us in Carlsbad, the state and the country. This project was presented and instituted as a pilot project, which means a test project to me. Somehov, I think that it seems to me that this has been construed to be some sort of a permanent-type activity, where, in fact, tbis period is supposed to be a test period. And at this point I believe there's a very high degree of confidence in the

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project in Carlsbad and I support strongly the concepts of the project and the testing of the project with live wastes as soon as possible. Thank you.

MR. O'RIORDAN: Is Brit Whitney here? Is Debbie Brininstool here? Gail Ackerman. Casandra Tate. For the new people, what we're doing is going through the list of preregistered speakers. If they're not here, we're going to do the speakers who registered at the door, in essence, in the order they registered.

UNIDENTIFIED SPEAKER: How can I find out when the rubber lady is speaking?

MR. O'RIORDAN: I don't know if I have her. Oh, I'm sorry, she's number 19.

UNIDENTIFIED SPEAKER: Where are we now?

MR. O'RIORDAN: Casandra Tate is number 17. Michael Motley is next, number 18. And then we have the rubber lady who, I presume, is present. Does the rubber lady want to talk now?

GEORGELLE: The rubber lady doesn't speak.

MR. O'RIORDAN: Who's speaking for the rubber lady?

GEORGELLE: I am.

MR. O'RIORDAN: You have five minutes and the green light is a one-minute warning. If you would

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please identify yourself and your address, since you are doing the speaking. We appreciate your coming.

GEORGELLE: My name is Georgelle. Do you want more? My address?

MR. O'RIORDAN: Please. This is a formal on-the-record proceeding.

GEORGELLE: I use the name of Georgelle only. 204 Laughlin Street, Santa Fe, 87501.

MR. O'RIORDAN: Before we start, I haven't started your time yet, we have a court reporter here and this is a on-the-record proceeding. So those of you who are speaking, please take into account that she has to type your words down and so try to speak distinctly and not too fast. Thank you.

GEORGELLE: Hello. I'm rubber lady. I cannot talk; therefore, my statement will be read. I have been listening for ten years. In the beginning I was associated politically with Vietnam and the importation of rubber. A few years ago I became a safe sex counselor; for obvious reasons, and now it seems another burning question faces us.

I am here tonight to address the issue of fashion. So say we have a spill? If you can ever come out on the streets again, what would you wear? I found these box gloves used at Los Alamos in nuclear

7.3.5.1-12
7.3.5.4-3

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experiments to have an effective look, to wear well. It's a little difficult to pick up a dime or use the digits. Of course, who knows if after the spill we will be left with digits or the power to move them. Rubber boots won't protect you from contamination but might be a placebo of protection. They are effective for those who are still operating on an oxygen-based water consuming system.

Of course, the outfit is subject to deterioration. Incomparably insignificant in relation to the half-life of any radioactive substance, but fashion has always been ephemeral, and no clothes will protect you from major birth defects. New Mexico is already creating world records in the Four Corners area -- gracias. Ah, uranium.

The hierarchy appreciates Carlsbad's great desire to work and be of service to their nation. The people of their nation ask them to give up temporary solutions and work for the well-being of the world. Discard situations that have been proven harmful. Do not be deceived or operate from the place of naive faith. Do not trust only because you are trustworthy.

Let us all work to help solve Carlsbad's economic dilemmas by supporting work that is dignified, right paying and nonthreatening to existence. For

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truly, to pursue employment under the present conditions and proposals of WIPP could threaten their long-term commitment to life. I mean their health, drinking water, birth itself. Let the people of this town of Santa Fe band together to question these plans, until a nonlife-threatening solution can be offered to all peoples from all states and nations, including tourists.

For the sake of our Earth Mother, who we are impregnating with our hot trash, pay attention to what you empower. Go to the essence. Remember the air, the water, the earth herself, as they are personified in your children and in yourselves. To your style of integrity add youthfulness and conscientiousness.

Ask not that your scientists and designers deal with issues that do not work as a nation, a state, a democracy. Ask for the right of the people to decide these issues, not government officials. Let the government officials fulfill the will of the people, not the will of a few. And to you officials, never take your will to serve to such a place that you endangar those that you serve. Sing, dance on the earth, and know ye, man, that if you mess up, your futures will be consumed by consequences where nature

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will take its course and show you that truth cannot be hidden -- neither can nuclear waste. Thank you.

MR. O'RIORDAN: That will be Exhibit Number 407.

(Exhibit 407 marked.)

MR. O'RIORDAN: Is Casandra Tate here?

MS. TATE: Here.

MR. O'RIORDAN: Will you please give your name and address?

MS. TATE: My name is Casandra Tate. My address is P.O. Box 15423, Santa Fe, 87506.

MR. O'RIORDAN: We'll mark your exhibit number 408.

(Exhibit 408 marked.)

MS. TATE: My name is Casandra Tate. I am the granddaughter of Lovinia Guillory Tate and Aza Ardoin Soileau and the great-granddaughter of Emily and Selina. I am also the grandmother of a four-and-a-half-month-old Ariel Elise Josefina Cantu -- the only native New Mexican on our side of the family. And I'm nervous.

MR. O'RIORDAN: Just take your time.

MS. TATE: I'm here on behalf of her to express my feelings about what I perceive to be a gross and insane determination on the part of the United

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States Department of Energy to, once again, have its way at any cost, ignoring the concerns of citizens and the right of New Mexicans to a clean end safe environment for years to come.

As I observe representatives of federal and state government, most recently Garrey Carruthers, in positions of unlimited power, I'm not only disenchanted with authority but deeply embarrassed by a government which from an early age I was taught to respect and obey. I question the injustice of their remarks, the lack of conscience in their actions and the lack of intelligence with which they set policy and grant permits which affect our lives.

All I have to give are my words and my presence here, as if my words and my being here are enough to prevent the dark cloud of ignorance from taking away my right to life, liberty and the pursuit of heppiness, my right to e clean and safe environment -- for my granddaughters, great-granddaughters.

"That to secure these rights, governments are instituted among men, deriving their powers from the consent of the governed; that whenever any form of government becomes destructive of these ends it is the right of the people to alter or to abolish it." That sentence is from the Declaration of Independence signed

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213 years ago, before nuclear reactors were in our back yards and before big money.

At Gettysburg, Lincoln said, "...that this nation under God, shall have a new birth of freedom, and that government of the people, by the people and for the people, shall not perish from the earth." He was assuming, I'm sure, that earth would outlast the United States Department of Energy. 3.2-1

I am an American. Up until several years ago I felt like I was making choices about my future. In the matter of the WIPP, Garrey Carruthers and the United States Department of Energy have made it very clear to me that I have no choice, and there is for Ariel Elise Josefina Cantu a questionable future. God save us all. 3.2-1 9-8

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MR. O'RIORDAN: I'm told Gail Ackerman is here.

MS. ACKERMAN: My name is Gail Ackerman. This business I have here in Santa Fe is the White Iris Yoga Studio. The address is 1738 Berry Avenue, Santa Fe, 87501. I'm here tonight, along with hundreds of other concerned citizens and business people of this community, to state for the record that I do not feel safe with the trucking of nuclear waste through the heart of the city three blocks from my home. 7.3.3-2 7.3.5.4-3

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Tourism is the lifeblood of Santa Fe. The pristine beauty of northern New Mexico draws thousands of people here each year. Some are visitors just passing through, but many others decide that this is home. Just one nuclear incident or accident would devastate this city's economy. People would no longer flock to this environment, and no doubt hundreds of people would move away from it. We have brilliant minds in this country, and I would ask those minds to envision alternatives to nuclear power and the deadly trash that it spawns. 7.2-1

I see the hurry-up storage of nuclear waste at the WIPP site as simply another quick-fix solution designed by those not willing to take responsibility for the problems they are creating. There are numerous facts published concerning the hazards of the existing plans, and until those hazards are responsibly considered, existing waste should remain where it is produced. It is time to take responsibility. It is time for those empowered to recognize that money, greed and special interests that fuel the nuclear industry is a minority when it comes to the safety of the people not only of this country, but to the safety and life of this planet. Thank you. 1-2 3.1-2 3.1-8

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MR. O'RIORDAN: Is Debbie Brininstool here?

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Is Michael Motley here?

MR. MOTLEY: My name is Michael Motley. I'm speaking as a citizen of New Mexico. The people of Fernald, Ohio, trusted the Department of Energy; so did the workers at the Feed Materials Production Center which processed uranium for nuclear weapons for 35 years before the government shut it down. These workers were exposed to uranium concentrations 1,000 times higher than the legal limits, and the people of Fernald were exposed to 552,000 pounds of radioactive dust from 1951 to 1985. These exposures were the result of negligent pollution control practices and admitted "limited" DOE monitoring of emissions.

The people of Idaho Falls also trusted the Department of Energy. From 1952 to the mid-80s, over 16 billion gallons of radioactive waste were dumped into their aquifer through injection wells. The aquifer now contains plutonium, strontium 90, cesium, cobalt 60, titanium and iodine 129 which has a half-life of 16 million years.

Most recently, the people of Broomfield, Colorado, trusted the DOE. The FBI has alleged that the Rocky Flats Plant dumped toxic wastes into Walnut Creek, which flows into their reservoir. The FBI also says that hazardous wastes were burned illegally in an

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incinerator that was shut down for safety violations. For these crimes Rockwell International was awarded an 8.6 million dollar bonus for their excellent management of the site.

The people who live near Hanford reservation and other contaminated installations all trusted the DOE. They were used as guinea pigs without their consent or knowledge. And now you are here asking the people of New Mexico to believe that the WIPP site is truly safe. Gentlemen, we don't trust you.

You have estimated that it could cost between 100 and 200 billion dollars to clean up after yourselves. This figure accounts for some 982 sites, and possibly 770 others, not including your enumerable leaking burial grounds, your previous experiments in hazardous waste disposal. Your appalling record shows a consistent pattern of improvisation, neglect, lies and contempt for the safety of our lives and environment. You make your own rules and you break them when it suits you. You don't even comply with the standards our government imposes on private industry. When you have a problem you change the definition of high- and low-level waste, rather than develop appropriate technologies. When things go wrong, you

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lie to us. You are being investigated by your own government for safety violations and blatant disregard of public health standards.

You are here telling us the WIPP site will be secure for thousands of years based on a study that refers to EPA standards that were thrown out of court because they weren't stringent enough to comply with the Safe Drinking Water Act. You tell us you can safely transport nuclear waste through Santa Fe on roads that aren't built yet, in containers that don't work yet, and you don't factor in human error.

Based on your dismal record of human error with which we will have to deal with for years to come, I don't believe you. You should be held accountable to the standards set by the Environmental Protection Agency and the people of the United States who you are poisoning with your criminal neglect. You must answer the criticisms of the National Academy of Sciences with positive action rather than misinformation and more lies. You should be monitored by as many oversight agencies as possible, every step of the way, because we don't trust you. We can't. Your record speaks for itself.

(Exhibit 412 marked.)

MR. O'RIORDAN: Is Milton Jenkins here?

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Steve Kauffman.

MR. KAUFFMAN: My name is Steve Kauffman. My address is 985 Agua Fria, Number 110, Santa Fe. I would like to thank you for this chance to speak. I would also like to say that I'm very unhappy with the way the hearings are being dealt with, separating them into other rooms. I don't think that was very good.

I know that there's a need for a nuclear waste dump. In looking over the SEIS document, I'm not convinced in the least bit that WIPP is the answer. This SEIS document has much misleading information and doesn't address issues fully and competently, such as alternatives, human error, transportation and site problems, to name just a few.

I feel a strong need for new EPA standards to be met when they are released before any waste is taken to the site. I feel the TRUPACT containers should meet NRC standards. I also seriously question the safety of the site location. There are so many variables coming up, like the brine pockets, cracks in the wall, seepage, gas accumulation and the aquifer above that I find it hard to believe the DOE when they tell us it is safe.

If there is to be a nuclear waste dump made, shouldn't we be as meticulous with thought, time

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and money as we were with the Manhattan project? Speaking of, just how many bombs do we really need? Is this considered national security the way we are polluting ourselves and Mother Earth? Look at Savannah, Hanford, Rocky Flats, Idaho. Look at the pollution there. Do we want to do this to yet another site? Maybe the DOE should focus on cleaning up these areas, storing the waste aboveground, slowing and stopping bomb production and look for viable alternatives, before we rush on to contaminate yet another site.

I have been here for a lot of the day and have heard a lot of people speak. I want to thank them and the ones to speak. I am one that doesn't get up and speak in front of groups, and I feel it is due time to start expressing the way I feel about certain issues. All I can say for a final atatement is I deeply hope that all that is said and felt at these hearings is looked at closely by the DOE and that the best choices for ourselves and Mother Earth to live cleanly are made. Thank you. 15-Jun-89: TS-00404, PAGE 2 OF 2

MR. O'RIORDAN: You're welcome.

Mr. Kauffman's exhibit is number 409.

(Exhibit 409 marked.)

MR. O'RIORDAN: Is Gloria Gonzales here?

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MS. GONZALES: Hello. My name is Gloria Gonzales. I reside at 3118 Siringo Rondo, South, Santa Fe, New Mexico, 87501. I have read the SEIS report, and I see that all the facts support that WIPP may be harmful to your health. I would like a sticker on every barrel that goes through the state that says that, like we have it on cigarettes, please.

I don't want to use facts. I would like to appeal to you from a point of passion. I have been here with the Spaniards. I have been here with the Indians. I have been here since this was a territory of Mexico. My ancestors once walked through Santa Fe on the Canino Real, and now you want to call it El Canino Final. Please do not make my Land of Enchantment the Land of Fluorescence.

If the politicians so support WIPP, I would like to encourage that until there is a bypass through Santa Fe, we send a round barrel of waste to each roundhouse, here in Santa Fe and one in Washington. If these supporters suffer no damage in five years, we can store the waste.

To the people of Carlsbad, I would like to plead: Do not compare potash with nuclear waste. It is a matter in which there is much unknown. Why can't the DOE accept that human side and take all precautions

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of safety, slowing the opening of WIPP and humbly admitting the room for human error? Let's meet the new EPA standards. Why must I, whose ancestors are buried in this land, share my land with world's garbage? Thank you.

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MR. O'RIORDAN: That will be marked Exhibit 410.

(Exhibit 410 marked.)

MR. O'RIORDAN: Next, is John Runner here? Elbert Earnest. Is Celia Nicholson here? Ann Dasburg? They're scheduled for a little later. I just thought I would call them. Is Susan Harris here? She was an at-the-desk registrant. How about Bonnie Anderson? Elissa Heyman. Terry Burns. Is Terry Burns here?

MR. BURNS: My name is Terry Burns, 302 South Canal, Carlsbad. I'm the executive director of the Carlsbad Chamber of Commerce. My purpose here today is to register the support of the 700 business and professional members of the Chamber for the WIPP project.

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While it is true that the project is an economic plus for the area, none of us are willing to place any economic factors above the health and safety of our families. The support of the business community clearly demonstrates that our community is comfortable

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that the project poses no threat to the well-being of the community.

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It appears to us that there are two areas of opposition to the project. The Santa Fe business community seems to have a problem with the transportation of transuranic waste through their community. The Carlsbad business community, as represented by the Chamber, does not desire to place themselves in opposition to our fellow business people here in Santa Fe. We would support their effort to not have waste routed through the community and, in fact, are behind Senators Domenici and Bingaman in their current bill addressing this issue.

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The second point of opposition is the safety of the site. In our minds, the safety concerns of people hundreds of miles away and the concerns of those located close to the site are two different animals entirely. Just as we feel we should not come up here and tell people what they should or should not allow to be transported through their communities, neither do we feel people from areas remote to us should come in and tell us.

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We process nothing in Carlsbad which produces nuclear waste. Neither do we have to accept it. It is, however, a fact that waste exists and is

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threatening large areas of our country. No solution is perfect, but we cannot, in good conscience, sit by and allow fellow countrymen to be at risk when we possess the means to remove that risk. We feel WIPP is a viable and reasonable solution to a serious national problem.

If a better solution was brought forth, we would be quick to switch our support. However, we feel to oppose the only viable solution presently available, and to keep the population at risk over minor points compared to the alternatives is irresponsible. Anyone can identify problems. The trick is to identify the best available solution. In Carlsbad we feel, at this point in time, WIPP is exactly that. Thank you for your attention.

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MR. O'RIORDAN: Thank you. Mr. Burns, your comments will be Exhibit Number 411.

(Exhibit 411 marked.)

MR. O'RIORDAN: Is Daryl Gough here?

MR. GOUGH: My name is Daryl Gough. I reside in Carlsbad at 2910 Palo Alto. I'm the manager of a local firm there. The economic base of New Mexico has traditionally been based on extracted work; that being oil, mining, natural gas, as well as government industries, Air Force bases, White Sands, Sandia,

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et cetera.

As we've all witnessed, these types of economic activities do not flow according to some logical rule of supply and demand. This fragile economic structure we live in in New Mexico can be completely shut down on the basis of political whim or foreign manipulation. As citizens of New Mexico, we need to develop industries that will build a strong and lasting economic base. I see the WIPP project as a viable possibility for such development.

As a man with a family and a career and many outdoor hobbies, I certainly wouldn't endorse any project that would endanger my life, that of my family or the environment. The WIPP project has been designed as a test facility, and I underline test. We need to allow it to proceed as such. This needs to be done not only for each of us who have a personal economic stake for one, but also for the economic strength and development of New Mexico. Thank you. I do not have a written statement.

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MR. O'RIORDAN: Is Cliff Stroud here?

MR. STROUD: My name is Cliff Stroud. I reside some 250 miles southeast of here in Carlsbad, New Mexico. I'm a native New Mexican, and it is a pleasure to speak before my New Mexican brothers and

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sisters and to listen to your concerns this evening.

I have two children. And some ten years ago thereabouts, some 700 million dollars ago, thereabouts, I attended the initial Environmental Impact Statement in my hometown of Carlsbad with a great deal of concern. Since that time I have spent about eight of those years with the National Park Service, U. S. Forest Service, U. S. Geological Service, all government entities, but they kept me in my state and in the great outdoors and the underground and caves and the Guadalupe Mountains which I love.

I brought my children to Santa Fe. One of my three-year-old daughter's fondest memories was the first time that she came to the plaza here in Santa Fe and saw the Indians with their wares laid out on the blankets and walked around and enjoyed the community, as she has done many times since.

On the way up today, I thought this would be a good experience for her. As our bus pulled through the plaza and some of the young men in attendance there ran over and spit on the side of the bus, I decided it was probably best that I didn't bring my daughter to see how my brother New Mexicans and sisters treated us as we arrived here. I am concerned

about the environment in New Mexico. And I've sat here and listened to everyone talk. And I've listened to it, and I've read it for years. And I form my opinions, as the majority of you do, based on those who know more about it than I.

When the doctorates come out and talk, when the scientists, when the federal government, when I hear about the FBI descending on Rocky Flets, all of this forms an opinion in my mind. As I think about getting up here and speaking, I wonder who's going to read all this? It certainly gives us all an opportunity to vent our frustrations. I also wonder why confuse us with the facts?

As I stand in the back of the room and I listen to speakers and I watch members of the audience stand and shake their heads, your minds are made up. I don't know. But I'm concerned about New Mexico. And I've watched the Department of Energy in my community. And I've watched the subcontractors, primarily Westinghouse, and I don't trust the federal government as an entity, but I trust people. And I know members of the Department of Energy there, and I know Weatinghouse employees that live in my community, and I'm convinced that the Waste Isolation Pilot Project offers a viable test solution in the foreseeable future

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for our nation's nuclear waste storage. I see TRUPACT, and I see tremendous overkill. And I ask you the question of how it's being transported today and where it is kept today? And I invite you to do as I have done and come down, those of you who have not, if there are any at these hearings who haven't, and I suspect there are, and tour the underground facilities that 700 million dollars of mine and your tax money has built and ask the questions there and see what you think.

And thank you. I hope next time when I come to Santa Fe and I'm not on a bus from Carlsbad and you don't know who I am that you treat me with the same courtesy that you treat the rest of the country and the world when they visit this great capitol of our state. Thank you.

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MR. O'RIORDAN: Is Russell Droke here?

MR. DROKE: I was raised in El Rancho in the Pojoaque Valley. I spent my childhood roaming the hills and valleys in which time I gained a strong love for the planet and for the land. In eighth grade I began going to school at Pojoaque Junior High School. Recently, I read an article in the Concerned Citizens for Nuclear Safety Bulletin that the DOE admits to dumping unspecified levels of nuclear waste into Pueblo

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Canyon for twenty years, from 1944 to 1964.

I went to school there twenty years later and spent four years hanging out in Pueblo Canyon roaming the entire land, getting in the small streams and at the time I had no knowledge of the nuclear waste that was dumped there. I question whether or not the residents of the vicinity of Pueblo Canyon have any knowledge of the DOE's actions. I also wonder if the Los Alamos Monitor has printed articles about the dumpings. Pueblo Canyon is a very beautiful place. I considered it a sanctuary.

Hearing about the DOE's falsification of documents at Rocky Flats makes me question the information about the dumpings if they were withheld from me. The information certainly wasn't offered to me at the time. Observing the sloppiness of the DOE frightens me to think of the issue of WIPP. I have seen many bad traffic accidents in bad weather going up and down the roads on the main hill. If it's being transported now or what, wherever it's being held, and even if they make a new road, you know, they still have to come off that hill and it gets real bad, you know.

And, you know, to think of an accident, a truck, you know, carrying nuclear waste having an accident terrifies me. It does. I ask the DOE, can

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you hear the children crying? The DOE themselves believe it is possible for twelve transportation accidents. Again, I ask you, can you hear your children crying? Do you love this planet? I also have observed, since the U. S. put limits on military spending in Japan, they have become the economic -- they have become economic leaders. I believe if the U. S. government did not spend the atrocious amounts of money on defense we would not have such a large national debt. I also wonder if the DOE spent less money making bombs and more on researching energy if they could solve the energy crisis.

I have been in Mexico City, the largest city in the world, where the air pollution is so bad that when you wake up your throat is scratchy and your eyes are burning. I project that this may be the case in southern California and in other metropolises. In twenty years will people be able to breathe? Will they be able to live? It was relatively unbearable, you know. And there's good money that could be spent researching this out. This is a concern.

I ask the DOE, cannot this planet, which has given us all things, give us energy that is not destructive to its residents? Addressing the issue of the hazardous waste incinerator, I have observed the

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winds and the clouds coming from the west where Los Alamos is, where the nuclear waste would be burned, and I've observed the clouds build up there and come over, build up on these mountains and rain every summer. I don't have to be a meteorologist to see that, but I know I'm going to breathe it. I know it is going to be in my water.

I don't trust the DOE. I don't. And I just wanted to say it's very possible that I have already been burned by the DOE, and I don't want to see the rest of this state feel that as well. Is the DOE thinking of our future? Thank you.

MR. O'RIORDAN: Is Jesse Rose here?

MR. ROSE: I'm Jesse Rose. I live in Santa Fe. This is backwards, because it's got me talking to him. I should be talking to you guys.

MR. O'RIORDAN: You can turn the mic.

MR. ROSE: The sun is such a powerful force, you know. And when God created the earth and everything that there was, I can just see him in one of the first few moments kicking back and checking out what he's creating. He says, "Wow, that's pretty powerful." He's got this ball of fire that's ever expanding. Some of the balls of fire don't have enough energy in them to expand, so he contracts them into

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stars. And that's the only natural nuclear power that exists is the star. And he said, "Wait a minute, I've got to keep this away from all the people. It's their energy and it gives them power, but too close and it can destroy them ultimately."

And yet here is the DOE saying, "Well, no, God doesn't know what's safe. We will tell you what's safe." And you're trying to build all these stars, you know. And fusion is one thing, but here we've got fission which is being used. The fission is just toxic. Even in a star -- God doesn't even use fission in stars. He used something that was relatively clean and far enough away from the people that its own gravity would be burning. And yet we've got all these burning wastes that appear on the earth. And cattle without heads. What's it all about? It's just stupid, that's all. And I don't trust the DOE, because they want to bury their -- the glob that they have built up with this fusion, this goo, I don't know what it actually physically looks like, but this festering gunk that kind of gets in things and messes up the wires a little bit.

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You know, I don't need to have a kid without a head. I don't need -- it's -- I can't say any more because it's just plain folly. And, no, I

don't trust the DOE for that. I don't even trust them to watch my bike while I go in and get a Coke. I couldn't do that. Because here's a person who is deciding -- he's so psyched up on creating the most energy he can that the people around him that need that energy one way or another can't even -- you know, the people around him, they can't connect with him. They're just not there, and so they're his to destroy. Does that make sense? Does that really make sense to be destroyed on earth by the energy you're creating in the process of trying to create more? Will you tell me? Thank you.

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MR. O'RIORDAN: Is Susan Harris here? Bonnie Anderson. Elissa Heyman. How about John Hunter?

MR. HUNTER: I'm John Hunter. I would like to address the safety of the transportation system to WIPP.

MR. O'RIORDAN: Could you give us your address?

MR. HUNTER: P.O. Box 704, Tesuque, New Mexico, 87574. I used to own a trucking company in Santa Fe, and I have traveled many of the same roads that will be WIPP routes. I think there is a good reason that DOE plans detoured routes from Santa Fe to

7.3.3-4

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the WIPP site, because if they were driven on the WIPP routes the safety of those highways would be seriously questioned.

I feel that the feeder highways to WIPP are unsafe at the present time to carry radioactive material. They need substantial improvement before any waste is transported over them. But I would like to question the safety even more right now of the way the TRUPACT-II containers are secured to the trucks. When Dawn Trucking had an exhibitor transportation system a few months ago in Santa Fe, it appeared that each TRUPACT-II was attached to the flatbed with only four U-bolts.

Now, DOE has spent over 25 million dollars to design and manufacture TRUPACT-II. It has still not been certified by the NCR, which means it could be unsafe and possibly reachable. How much planning and money were used to design the fastening system for the TRUPACT to the flatbed trailer? If four U-bolts are the only securement that is to be used, I have serious reservations about the safety of this system. I have seen loads of lumber that are better secured to the trailers than this. Even if TRUPACT-II turns out to be unreachable, in an accident these containers could become loose cannons if the U-bolts fail to hold them

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7.3.1.1-7

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to trailers.

The DOE has yet to adequately be prepared for the safe hauling of the wastes to the WIPP site. Serious safety problems still trouble my mind concerning the roads to be traveled and the securement system for the TRUPACTS. Until these and many other problems are solved, WIPP is unsafe even for the test phase. And to open it now could lead to further ecological disasters like Rocky Flats, Fernald and Hanover. Please resolve these issues before WIPP opens and prove that DOE is concerned with the safety of the citizens of the communities where radioactive waste is produced, transported through and stored. Thank you.

MR. O'RIORDAN: You're welcome, Mr. Hunter. Is Elbert Earnest here? Celia Nicholson. Ann Dasburg. Are there any of the preregistered speakers here right now? Is Susan Harris here? She registered at the door. And is Bonnie Anderson here? She registered at the door? Is Elissa Heyman here? Is there any other registered person here that wants to speak?

We got a little ahead of schedule. It's about 10:14. I'll recess until 10:45, about a half hour, and make sure we've get the rest of the folks. We will stand in recess until 10:45. I appreciate you all being here to show courtesy to the speakers. Thank

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very much.

(The hearing recessed at 10:50 p.m.)

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STATE OF NEW MEXICO)
)ss.
COUNTY OF BERNALILLO)

I, Jeanne Hirmer, the officer before whom the foregoing hearing was taken, do hereby certify that I personally recorded the hearing by machine shorthand; that said transcript is a true record of the statements given by said speakers; that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this matter is taken, and that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

Jeanne Hirmer
NOTARY PUBLIC
CSR License Number: 313
Expires: 12/31/89

My commission expires: 5/12/93

UNITED STATES

DEPARTMENT OF ENERGY

IN THE MATTER OF THE PUBLIC HEARINGS
ON THE WASTE ISOLATION PILOT PLANT EIS0025-DS

ORIGINAL

TRANSCRIPT OF PROCEEDINGS

JUNE 15, 1989

BE IT REMEMBERED that on the 15th day of June, 1989, this matter came on for hearing before PETER RICHARDSON, HEARING OFFICER, HARRY SEASON and MARGARET SCHUMANN, DOE PANEL MEMBERS, and PATRICIA O'BRIEN, Certified Shorthand Reporter, of the firm SANTA FE DEPOSITION SERVICE, 1437 Paseo de Peralta, Santa Fe, New Mexico, at the SWEENEY CONVENTION CENTER, ROOM 2, Santa Fe, New Mexico.

* * *

PROCEEDINGS

JUNE 15, 1989

HEARING OFFICER: We will go on the record.

It is 8:26 p.m. This is a continuation of the United States Department of Energy proceeding known as EIS0026-DS held on June 15, 1989, in Santa Fe, New Mexico.

Let the record reflect that pursuant to a decision of Department of Energy officials, this proceeding has been split into three separate and concurrent public hearings. This particular segment of this proceeding is taking place in Hearing Room No. 2 of the Sweeney Convention Center in Santa Fe, New Mexico.

My name is Peter Richardson. I have been retained by the Department of Energy as an independent Hearing Officer to assure that all interested persons have an equal and fair opportunity to comment on the record in this proceeding.

In my role as your Hearings Officer, I do not serve as an advocate for or against the proposed action by the Department of Energy. I have no

vested interest in the outcome of these proceedings.

Let the record reflect that Ms. Margaret Schumann and Mr. Harry Season of the Department of Energy sitting to my right are the official DOE hearings Panel this evening.

Following your comments, these two individuals will have the opportunity, if they so desire, to ask clarifying questions regarding your testimony.

Tonight's, proceeding is only part of the process by which you have the opportunity to have input into the decisionmaking process. You may also submit written comments submitted to the Department of Energy until July 11, 1989. The address for sending such comments may be found at the registration tables in the lobby.

In addition, should you wish to submit additional comments or supplemental testimony to your oral testimony this evening, you may do so by providing us with a written copy after you have finished testifying, and I will mark that as an exhibit and enter it into the record of this proceeding.

I will first call individuals who have pre-registered. You will come forward to the podium

and make your comments. You will have five minutes in which to comment. After four minutes have expired, a yellow light will flash on the podium indicating that you have one minute left to comment.

At the end of five minutes, a red light will flash, at which time I will expect you to summarize and finish your comments.

As time permits, individuals who requested the opportunity to comment at the door this evening will be accommodated in the order in which they have registered.

Although it is not my intention to limit the scope of comments in any way, I want to emphasize that only comments related to the proposed operation of the Waste Isolation Pilot Project are relevant to this Supplemental Environmental Impact process.

I would like to also stress that this is a formal hearing and a recorded proceeding. That is, everything said at this and at the other public hearings in this proceeding is being recorded, and the full transcript is being prepared.

The Department's decisionmaking of this proceeding will be based upon the record developed at the hearings such as this. Accordingly, it is

imperative that I develop a complete record of your comments and, when you speak, please speak audibly and into the microphone and be sure to observe all the stated rules.

This is also not a question-and-answer phase of this proceeding. We are here simply taking your comments, your concerns relative to the Supplemental Environmental Impact statements.

Transcripts of this hearing will be available to you locally at locations to be announced by the Department of Energy.

Finally, a word about the court. I fully understand and expect that the subject matter of this proceeding is emotion-packed, and I will not object to your display of these emotions, through applause and the like, between commentors.

However, interruptions and disruptions of any individual's comments are not acceptable. Like you, I want to give everyone an equal opportunity to exercise their First Amendment privileges, and only with your help will we be able to accomplish our goals tonight.

At this time, the first witness I have signed up is an at-the-door registrant, because we are starting a little bit earlier than we had

planned, I will call this person first.

Iris Kramer?

MS. KRAMER: Do I need to state my name?

HEARING OFFICER: Yes, please, and give your mailing address for the Court Reporter.

MS. KRAMER: My name is Iris Kramer, P. O. Box 16602, Santa Fe, New Mexico, 87506 and I will be submitting my statement after I present it.

Bienvenidos a Novemexico (Nuevo Mexico)! Bienvenidos a la tierra del encanto! Welcome to New Mexico. Welcome to the Land of Enchantment.

Perhaps the first thing that one notices about our state, if he or she ventures beyond the airport at Albuquerque, is that this is a land of great natural beauty, as well as geographical diversity. It is a land of shimmering mountains with lush valleys and plentiful streams. It is also a land of high mesas and almost mystical golden deserts. However, regardless of the landform, it is a land abundant in wildlife, a wildlife which thus far has been relatively unscathed by the ravages of pollution and toxic contamination.

In addition to the magnificent natural resource that is New Mexico it is a source of great cultural wealth. It is home to nineteen Indian

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pueblos and seven indigeneous languages which are not found in any other region of the country.

Remains of civilizations which date back over a thousand years have been found throughout this land.

New Mexico is also the home of a great Spanish heritage whose roots in America predate Plymouth Rock.

Now, all this is threatened by the proposed opening of the WIPP site. I am most concerned with the issue of transportation of transuranic waste, which threatens the well-being and harmony of both human and animal life. 7.3.3-3 7.3.5.2-4 7.3.5.4-3

First, one should note that the Department of Energy admits that there will be routine releases of radiation during normal trucking operations. Even if these releases are individually small, even minute, over the years the cumulative effect may be deadly, as has been noted by Dr. Petkau in his study conducted for the Canadian Atomic Energy Commission.

The average citizen is warned by doctors to avoid x-rays unless absolutely necessary. Now we will, in effect, be x-rayed by virtue of simply living close to the WIPP route.

To make the situation even more sinister, DOE has not provided adequate funding or training to deal with special medical needs related to either short-term or long-term exposure to radiation. 7.12.9-1 7.12.9-2 7.12.9-5 7.12.9-7 7.12.9-11

Hospitals along the route are not prepared or equipped to deal with these situations.

Of course the possibility of an accident leading to a spill with immediate catastrophic health and environmental effects looms ominously in the background. 7.3.5-1 7.3.5.1-12

DOE seems not to consider the possibility of human error. It has not even required that the TRUPACT containers pass a crush test, even though they admit that, quote, "the dominant accident effect (for truck shipments) is crush rather than impact." (Draft SEIS, Page D-65.) 7.3.1.1-9 7.3.4-2

Furthermore, DOE does not require that drivers hauling the transuranic waste have any prior experience trucking hazardous materials. 7.3.2.1-6 7.3.5.1-12

Unfortunately, highway accidents are a fact of life in New Mexico and elsewhere.

Let us remember that the potential for a disastrous transportation accident involving a vehicle loaded with radioactive waste and bound for the WIPP site near Carlsbad extends way beyond New 7.3.5.1-12 7.3.5.3-1

Mexico, as highways in 23 states are included along the WIPP route. All of these pass by major population centers.

Radioactive contamination does not respect state or even national boundaries, as was so aptly demonstrated by the Chernobyl disaster in the Soviet Union.

Finally, I would like to conclude by saying that if we have the know-how to produce bombs that can destroy our world a hundred times over, we can at least develop the technology to produce containers that won't leak.

HEARING OFFICER: Thank you for your comments.

VOICE: Mr. Richardson, Tracey indicated that Melanie Farmer would be able to go early, as these children have been waiting a long time to be able to testify.

HEARING OFFICER: I understand that. I need to get their names.

VOICE: Melanie Farmer.

HEARING OFFICER: She's number one on my list, actually, Melanie Farmer, so I will call Melanie Farmer.

MS. KRAMER: I know the other thing they

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mentioned -- which exhibit will this be when you submit a document?

HEARING OFFICER: That's right.

MS. KRAMER: Can you tell me, so I will have that for the record?

HEARING OFFICER: Yes, I can. The written comments of Irie Kramer will be marked as Exhibit 500 for the record.

(Whereupon, EXHIBIT 500 was marked for the record.)

HEARING OFFICER: Thank you for your patience, Ms. Farmer.

MS. FARMER: Hello, my name is Melanie Farmer. I live in Zuni, New Mexico. I am very concerned about WIPP.

Zuni is an Indian village about 250 miles from Carlsbad. I feel upset and scared about the WIPP site. I feel upset about the possible leakage of the plutonium in the TRUPACT containers. If the plutonium escaped, it could cause leukemia and other diseases.

I think the states that make the waste should keep it. Or if that wasn't possible, and they had to dump the waste in New Mexico, the government should wait until EPA standards are met.

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I fear the consequances should the plutonium escapes from the WIPP site into our water supply. 7.14-9

The government is dumping the waste in New Mexico because we have a low population. It could still kill many people. If this nuclear waste escapes, it won't just spread in New Mexico. It will spread all over the world.

I think we should tell the people that are on the WIPP route that this waste is coming through. 8-1

Bypass roads were to be completed around the cities and towns before the site opens, but they are not finished yet. 7.15.4-3

I urge you not to allow the site to open until EPA standards are met for the safety of the citizens of New Mexico.

So please think about our future, think about the diseases nuclear waste could cause, think about the EPA standards, and remember this is a worldwide problem. 3.1-3

Thank you.

HEARING OFFICER: Thank you for your comments, Ms. Farmer.

The next scheduled commentor is Carl Manganaro.

MR. MANGANARO: Yes, sir.

HEARING OFFICER: You may proceed, Mr. Manganaro.

MR. MANGANARO: My name is Carl Manganaro, and I live at 2012 Window Drive, Carlsbad, New Mexico.

I'm not here to rebut anything, but to state my opinion in support of the WIPP site and proceeding with the demonstration period. 1.1

I do not want the recent hysteria to cause the abandonment of the WIPP project. The hysteria only serves to ignite fear in the populous.

I have a wife and three small children, and no amount of money would cause me to expose them to a serious threat.

I have been through the facility and have seen the equipment, the experiments, and mining processes that will be used during the storage phase. Certainly, the radioactive material stored here will be safer in this environment than the current practice of burying it in shallow trenches throughout our nation.

The geology of the area indicates the WIPP site is in a stable formation which has remained unchanged for millions of years.

The DOE has also tested current radiation levels to determine what the base line is before the radioactive material is shipped.

Scientists are doing studies that involve the effect the site will have on the flora and fauna. For over ten years, these studies have been under way, and they have been very helpful to us all.

Also, the State Environmental Evaluation group is independently checking the DOE and Westinghouse test results on a daily basis.

My father is a radiologist who has been practicing in Carlsbad for over 30 years. He deals daily with the radioactivity and radioactive materials and the radiation protection.

At this moment thousands of individual quantities of radioactive materials are being shipped for medical, research, and industrial use. Currently, there are numerous trucks transporting liquid petroleum gas through Carlsbad and our state with risks greater than the TRUPACT container and it is my opinion that the danger these trucks present are far greater than that of the radioactive material that will be transported through the State to the WIPP site. 7.3.1.1-19

This container has been tested by every 7.3.1.1-2

conceivable kind of accident that could possibly happen to it. 7.3.1.1-2

Our local community hospital staff is prepared to administer treatment to individuals in case of any accident at the WIPP site. There is no excuse for other communities not being prepared because they knew this project was starting many years ago. 7.12.9-2 7.12.9-7

The Mine Rescue Team at WIPP is one of the finest in the nation, having placed first and second in recent regional competitions. 7.12.8-1

One should look upon the term "dangerous atomic waste" as a false statement because it is meant to impart the idea of noxious material which will never be used again. The material is active and may remain this way for many years, and what may appear as waste today may actually be of benefit to future generations.

There is a general tendency to associate atomic energy with war, bombs and holocaust. The atomic age began well before Hiroshima, and it is now abundantly clear that the useful benefits of nuclear energy are endless.

Man must learn to harness and store this energy for peaceful purposes, because in time our

existence on this planet will depend on it. It will be the only means by which we can explore and migrate the vast spaces of the universe.

In conclusion, my family and I are personally acquainted with people who work at WIPP. We feel these people are conscientious about their duties, and proud of their achievements in making WIPP this nation's first nuclear waste depository.

I am in favor of proceeding with Phase I and commencing with the demonstration period as soon as Possible. I believe the people in Carlsbad have reacted to the proposal in the proper perspective. 1-1

Thank you.

HEARING OFFICER: Thank you for your comments.

I'd like to note for the record that the prepared comments of Melanie Farmer will be noted as Exhibit 501.

(Whereupon, EXHIBIT 501 was marked for the record.)

HEARING OFFICER: The next scheduled commentor is Sarah Costelecky.

If you have prepared comments of your testimony, we would appreciate it, if you have an extra copy, if you would leave one for the Court

Reporter so she can have that for her record. It won't have to be entered as an exhibit unless you ask for it to be.

Sarah, go ahead.

MS. COSTELECKY: Hello, my name is Sarah Costelecky. I am ten years old. I am from Zuni, New Mexico.

I am concerned about WIPP, the Waste Isolation Pilot Plant. Nuclear waste will be taken to WIPP.

Out of that waste the most harmful substance in it will be plutonium. You cannot see, hear, taste, or smell plutonium. If you breathe plutonium, you could get cancer or get very sick.

Some people think if the waste is spilled, we can just sweep it up. If it is spilled, everybody and everything has to pay the consequences. 7.3.5.4-3

The waste will go by Gallup. We live very near Gallup. There are many drunk drivers in Gallup. There could be an accident, like in the past.

Our land is sacred to us. Our ancestors are buried here. In the middle of the village we have a plaza. There the kachinas dance. They dance for rain, good crops, and health.

Near the plaza we plant prayer sticks. If the sand was contaminated because of an accident we could not do these things.

Land that originally belonged to the Zunis has been taken or sold. If the waste comes to Zuni, we won't have any land left.

The nuclear waste will come in trucks. The trucks will be unmarked. You cannot tell if the waste truck is behind or in front of you because it would be unmarked.

The waste will be in TRUPACT containers. They tested the TRUPACT containers under heat for 30 minutes. In an accident the containers would probably burn longer. They also dropped the TRUPACT containers, and when they landed, they had dents in them, then the nuclear waste would escape.

WIPP needs to meet the Environmental Protection Agency standards. It has not. The water could get contaminated because WIPP did not meet EPA standards. This contaminated water could get into the food chain, which could lead to death for humans, plants, and other animals. Then everything will be gone.

Remember, future generations and us will have to live with WIPP if it is opened. We only

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7.3.4.1-1

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have one place to live, Earth. Please think about our sacred land. It's all we have. WIPP, can't live with it, can't live without it.

Thank you.

HEARING OFFICER: Thank you, Sarah.

VOICE: Can you make that part of the record, please?

HEARING OFFICER: Yes. The written comments of Sara Costelecky will be entered into the record as Exhibit No. 502.

(Whereupon, EXHIBIT 502 was marked for the record.)

HEARING OFFICER: The next scheduled commentor is Commissioner Bill Kirkes.

(No response).

HEARING OFFICER: Mr. Kirkes is not here yet.

The next scheduled commentor is Frank Nolan.

(No response.)

HEARING OFFICER: We will go back and call these names again after we get through the list.

Following Frank Nolan is Kelly Cheama. Kelly, can you give us your address too, before you get started, please?

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MS. CHEAMA: My box number is 73.

HEARING OFFICER: In which town?

MS. CHEAMA: Zuni, New Mexico, 87327.

HEARING OFFICER: Thank you. Go ahead with your comments. 15-Jun-89: TS-00416, PAGE 1 OF 2

MS. CHEAMA: Hello, my name is Kelly Cheama. I'm from Zuni, New Mexico. I am concerned about WIPP.

Our friends from Concerned Citizens for Nuclear Safety came to Zuni to talk to us about the Waste Isolation Pilot Plant. I hear that it can be very dangerous to the environment. It can get into the water and kill the fish and other living animals.

The trucks carrying nuclear waste will go through Gallup, New Mexico. I live near Gallup. There are many drunk drivers in Gallup. What if a drunk driver hits the truck?

The contaminated waste will travel through the air and maybe pollute the water. If we drink the water, we might get very sick. People won't know if they are eating or drinking contaminated food or water because they can't see, hear or taste radiation.

I think they should wait until WIPP meets EPA standards to open because the site is dangerous

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7.3.5.3-1

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to the environment and us.

Please don't put the waste in Carlsbad because the nuclear waste could leak into our environment. The environment will be contaminated with radiation and nothing could live in it.

Thank you.

HEARING OFFICER: Thank you, Kelly. If you will bring your comments up, we will enter them into the record. The prepared comments of Kelly Cheama will be entered into the record as Exhibit No. 503. 15-Jun-89: TS-00416, PAGE 2 OF 2

(Whereupon, EXHIBIT 503 was marked for the record.)

HEARING OFFICER: The next scheduled commentor is Jack Skinner. 15-Jun-89: TS-00417, PAGE 1 OF 4

MR. SKINNER: Thank you, Mr. Hearing Officer and Panel Members. My name is Jack Skinner. I'm a City Councilman in Carlsbad.

Like many of your other speakers, I'm sure, during these hearins, my thoughts may not be original, but I'm hopeful that I can perhaps bring some slightly different perspective to the argument that will make worthwhile reading for those who will, hopefully, review this record in attempting to make up their minds.

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In the interest of time, I will quickly try to summarize my written testimony.

I've been an elected official in Carlsbad for 14 years in several capacities. In my opinion, anyway, the views I will express tonight are shared by the large majority of my constituents.

In 1979 and again in 1981, New Mexico, through its elected legislative bodies, made a major commitment to this nation to assist in solving, at least partially, a very critical need, and that is the safe disposal of radioactive defense waste.

We made that decision for a noble purpose. The decision was made after considerable deliberations, with all of the available scientific evidence and opinion. The decision was made after considerable consideration of the political implications. The decision was made after seemingly numerous public hearings such as we are participating in again today, ten years later.

The New Mexico Legislature, by an overwhelming margin, summoned the political courage to make a decision based on what they thought was right.

Now, ten years later and $750 million later, a state-of-the-art nuclear waste storage

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facility remains idle in Carlsbad, and the waste continues to accumulate around the country and is stored in less than adequate facilities.

We believe, Mr. Hearing Officer, that the federal government, including several federal agencies and certainly including Congress, must now summon the courage to do what they think is right, and they must finish what they've started.

It's very possible and appropriate to separate the politics of nuclear energy which creates nuclear waste from the public debate on WIPP, which is only to provide the safe storage for these wastes. And when we do that, we are left with a relatively simple issue, and that is: Is the planned disposal of radioactive defense waste at the WIPP facility safer when compared to the present methods of storing these wastes?

The non-political scientific community tells us resoundingly, yes, WIPP is superior.

Mr. Hearing Officer, we believe that Congress now must get off their timid fannies and make the decision to resolve this issue. We believe it's time to open the WIPP facility.

Thank you. Who do I submit my statement to?

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HEARING OFFICER: Councilman Skinner, if you would, state your address for the record.

MR. SKINNER: 1602 Ural, U-r-a-l, Carlsbad.

HEARING OFFICER: The prepared statement of City Council Member Jack Skinner will be entered into the record as Exhibit No. 504 in this proceeding.

15-Jun-89: TS-00417, PAGE 4 OF 4

(Whereupon, EXHIBIT 504 was marked for the record.

15-Jun-89: TS-00418, PAGE 1 OF 2

HEARING OFFICER: The next scheduled commentor is Marlena Homer. Marlena, before you get started, could you give us your mailing address and the town you live in, please, for the record?

MS. HOMER: P. O. Box 832, Zuni, New Mexico 87337.

HEARING OFFICER: Thank you. Please proceed with your comment.

MS. HOMER: Hi, my name is Marlena Homer. There are a lot of people in New Mexico who have never heard of WIPP. Everyone in New Mexico should know about WIPP because it is dangerous to our environment. I care about our environment and about our Mother Earth. 3.1-3

We are ruining our own air. For example,

the oil spill in Alaska destroyed habitat. We don't want to ruin it again by burying nuclear waste in states like New Mexico. 3.1-2 3.1-3 4.1-1

I urge you not to allow nuclear waste to be transported and stored underground near Carlsbad until the Department of Energy meets EPA's storage and disposal standards. 1-3 3.1-3

Nuclear waste carried on trucks could kill us if the trucks had an accident and the containers broke. The people would breathe the air and possibly die. It will contaminate our water for life. We need water in order to live. 7.3.5.1-12 7.3.5.4-3

If you care about our environment and Mother Earth as much as I do, why must you bury nuclear waste in New Mexico? 4.1-1

Thank you.

15-Jun-89: TS-00418, PAGE 2 OF 2

HEARING OFFICER: Thank you, Marlena. If you would bring your comments up to the Court Reporter? The comments of Marlena Homer will be entered into the record as Exhibit No. 505 in this proceeding.

(Whereupon, EXHIBIT 505 was marked for the record.)

HEARING OFFICER: Our next scheduled commentor is Deborah Reade.

(No response.)

VOICE: I know that Deborah has two small children and she works and she was planning to come here a half hour before. She was scheduled at 9:45.

HEARING OFFICER: We are running ahead of schedule. I will go back and run through these names again closer to the time in which they are scheduled to speak.

The next scheduled speaker is Key Whitney.

(No response.)

HEARING OFFICER: Following Key Whitney, the next scheduled commentor is Don Kidd.

VOICE: What was the name, sir?

HEARING OFFICER: Don Kidd, K-i-d-d.

MR. KIDD: I'm here.

HEARING OFFICER: Mr. Kidd, please state your mailing address for the record.

MR. KIDD: Don Kidd, K-i-d-d, 212 West Cherry Lane, Carlsbad, New Mexico, 88220.

HEARING OFFICER: Thank you. Please proceed with your comments.

MR. KIDD: Thank you, very much, Mr. Hearing Officer and Panel Members. Thank you very much for giving us an opportunity to be here tonight. I have a lot more empathy now for Daniel and his

trials in the lion's den.

I have been involved with WIPP in one capacity or another for about 15 years. At one of the first meetings I ever attended in Carlsbad on the proposed Waste Isolation Project, it was presented to me and to the group I was with that the nation had a very serious problem. That's the safe disposal of low-level nuclear waste.

And approaching the problem from this standpoint and the problem that was facing the country was much like I would imagine the people of Santa Fe were faced with in the 1940's when the decision was made to create Los Alamos.

I believe the people in Carlsbad have had this in mind ever since the inception, the first suggestion of nuclear waste storage at Carlsbad.

We've become convinced in Carlsbad a long time ago that this is absolutely the best location geologically that could be located at that time, the salt beds there. And we've approached this from that standpoint, especially in my own case.

We do not love our grandchildren any less than the folks who have testified against WIPP here. And I believe that very few of us are actually qualified from a technology standpoint to really

7.12.1-2

7.2-29

make a comeent on the technical details of WIPP. So as far as I'm concerned, you have to put your trust in somebody.

I've attended meetings, seminars, hearings for many, many years on this subject and I've become totally convinced that the Department of Energy, the government, and Westinghouse are trying to build a facility in Carlsbad as safe as humans know how to build it.

The TRUPACT delivery system to Carlsbad has been tested. I can't imagine any means of conveyance that has been tested more than TRUPACT has.

And I don't agree totally with the citizens of Santa Fe on their concern for nuclear waste coming through their town. But the thought occurs to me, and I've not read one comment on it up until this day, are we only concerned with the one-way direction of radioactive material.

I've never heard anybody comment on radioactive material going north to Los Alamos. I don't believe there has been any comment about that. 40 miles from Santa Fe is where the waste is created, but that appears to be okay.

I read in the paper tonight on the way to

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3.1-1

7.3.1.1-2
7.3.1.1-19
7.3.4-2

Santa Fe a lady's concern on St. Michaels as to what would happen to her home should a truck lose control and run into her home. I can identify with that. I think she has a very valid concern.

But is she not concerned or is she not aware that radioactive material goes into Los Alamos.

I feel like, in my own mind, that the political climate has been such that people are being, at the very least, misled.

The ability to deliver nuclear waste through Santa Fe, as with other communities that I'm acquainted with, seems to have a price tag.

In Santa Fe the Mayor commented that with $50 million it would seem like that it would be okay to send nuclear waste through Santa Fe; build a bypass.

Now, what kind of logic is this? Is it okay on a bypass, but it's not okay by itself? Is it okay to send material in?

If people are really sincerely against nuclear activity, radioactivity, why are we not picketing or having hearings in Los Alamos?

I would agree with the newspaper stand owner that's been on the radio promoting these hearings and people to be against WIPP. I think the

7.2-29

7.2-29

solution in Santa Fe, in my judgment, is to leave the waste in Los Alamos, and this solves our problem with coming through Santa Fe.

Surely -- from what the paper states, they have not taken one load of waste out of Los Alamos since 1943 -- it's bound to all still be stacked up there, so it surely is okay. So let's leave it there and solve this animosity and these hard feelings that the people in Santa Fe have for moving waste through their community.

It seems like maybe a very simplistic solution, but it would seem to me like it would prove whether or not the people are really sincere in their opposition to WIPP. Or is it nuclear energy in general? I don't know.

But I have a feeling that, again, the people have been misled. They have been appealed to their emotions. 7.2-29

The people who live in Carlsbad, we have very little opposition in Carlsbad. In fact, you hardly ever hear anything anymore. We've been there. We've been underground, we've seen the care and concern that the people that are building that facility have for our community, our state and our nation. We're convinced that they are trying to do 3.2-1

the best they can. 3.2-1

Just a closing comment. I would like to see us join together and turn WIPP into another national laboratory for safe disposal. Education is the only solution. Nuclear waste is not going to go away, and we all have to get together and develop. 1-1 8-11

We've got a very unique facility in Carlsbad. It's the only one like it in the world, and it can be developed for the good of all mankind.

Thank you very much for having me here.

HEARING OFFICER: Thank you for your comments.

Our next scheduled commentor is Gilberto Quintano.

(No response.)

HEARING OFFICER: Following Mr. Quintano is Don Barton.

(No response.)

HEARING OFFICER: I was told Mr. Barton is here. We'll get back to him.

Following Mr. Barton is Ron Galbraith. Mr. Galbraith. Mr. Galbraith, if you would, please state your mailing address for the Court Reporter.

MR. GALBRAITH: 1505 Mount Shadow, Carlsbad, New Mexico, 88220.

I do have a text prepared, but it is only for my use. It would have little value to anyone else.

HEARING OFFICER: You can certainly keep it.

MR. GALBRAITH: First of all, thank you for the opportunity for being here tonight to make this presentation.

I know that you all have been very busy the last several days and will continue to be busy during this time, so I'm going to take a different course, possibly different than anything that you have had so far tonight and certainly different than Mr. Kidd's presentation. I'm going to relate an incident which occurred five or six years ago.

Currently, I'm a Police Chief and at that time was a Patrol Captain working the day shift.

One of my officers went to work an accident at a private property location, and the man was very concerned in that he saw a vehicle parked two or three spaces away from him that had radioactivity plaquered on the outside of it.

In addition to that, he saw a little bit of moisture coming from the bottom of the vehicle.

The officer began to try to answer some

questions that the man was asking, and the man just kept asking questions and asking questions. And, certainly, the officer didn't have the knowledge or the expertise to answer those questions. But the man's anxieties tended to grow and grow and grow and became really pretty ridiculous.

And the officer realized that this man really had a problem with this particular vehicle parked so closely and that there were no apparent precautions available to not only himself but people who used the roadway, as well as some of the interststes.

The officer referred him to me. And in the exchange between the officer and the gentleman, apparently there was some misinformation provided by the officer. And he let me know that, so that any misinformation that was present I could straighten out.

The man arrived about two hours later. He was still very anxiety-ridden and distraught about this particular problem that he had just encountered.

I explained to him that in southeastern New Mexico, west Texas, and certainly many other parts of the country, that these were very common vehicles in an area where oil and gas is present,

that they use them in the production of their pipelines and in doing x-rays and those sorts of things.

Well, he began to be a little relieved with that particular answer.

I did have to own up for the officer's original statements to him, in what I hoped was a vernacular that he could appreciate, that it was that the officer was "shining him on."

Now, through the course of the many years of study by many scientific experts, certainly more expert than many of us would ever be, I believe that in the point of opposition that term of "shining on" is a very apropos statement in that there appears to be some instances in the general community of very inaccurate information. It appears only to be that information which they are told and instructed to tell.

Now, I have had the opportunity over a period of years to visit the Waste Isolation Pilot Project. It's been said that it's overengineered, which it is, for a purpose, and that's for safety.

I've attended and participated in training sessions for highway transportation safety for hazardous materials responses, and am very

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7.12.8-1

7.12.9-1

satisfied that the training that we have received is adequate for any incident that might occur.

I would like to sum up again that as we can tell from the noise level from the other room, opposition is always very noisy. And it has its purpose, noise, and that's to detract from the facts.

I don't believe that in many, many instances all of the facts are known to all of the citizens within the State of New Mexico.

Thank you very much.

HEARING OFFICER: Thank you for your comments.

I understand Don Barton is now in the room.

MR. BARTON: My name is Donald Barton. I'm the administrator at Guadalupe Medical Center in Carlsbad New Mexico.

HEARING OFFICER: Would you give your mailing address for the Court Reporter?

MR. BARTON: 1409 Kramer Court. It's my pleasure to be here tonight and have this opportunity to speak.

First of all, I'd like to go over some of the preparations that were conducted in the hospital. In terms of our ability to respond in an emergency

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7.12.9-7

7.12.9-2

TS-00421, Page 2

and treat contaminated patients, I believe Gaudalupe Medical Center is very prepared. Our emergency room nurses have participated in three-day-long contamination classes in Albuquerque. 7.12.9-1

All of our emergency room personnel have attended courses on decontamination given by Roger Metz (sic) from the Oakridge facility. All of the decontamination equipment has been received to check out, and our decontamination procedures are in place. 7.12.9-2

People ask me if I am worried about the WIPP project and the waste coming through Carlsbad. I believe it's all relative. My family and I believe it will be safe. 7.12.9-7

By comparison, I am more concerned about propane gas trucks going through town with the potential for setting the town on fire and other hazardous chemicals. I am more concerned about my child getting a bad sunburn and being susceptible to cancer 20 years from now as the ozone layer continues to deplete. I would be more concerned if I had high levels of radon gas in my house. And I am more worried about people who smoke and about people who smoke around me.

I have a few general observations that I'd like to comment on further, that have no

TS-00421, Page 3

particular theme.

Some of my feelings are that in the past 40 years the nuclear industry has focused on production of weapons and power generation, but little effort has been spent in cleaning up the waste.

WIPP is a laboratory that will allow us to enhance the disposal aspect of this technology. It is crucial technology.

WIPP, commonly, as proposed, is limited and experimental in scope. The five-year test period allows for the waste to be withdrawn, all the options to remove the waste and shut down the facility, if proven unsafe, remain intact. 1-1

This is another comment I have: The nuclear opponents declare that no one understands the true financial cost of cleaning up nuclear waste. I agree with that. I submit that the politicians, the military, and the citizens of our country will never know the true cost of creating nuclear weapons and power unless the WIPP site opens up.

The cost of doing business is not fully reflected when the waste is placed in a landfill site next to the production plant. It only defers the day of reckoning.

Our society needs all the information to make rational decisions. Perhaps the arms race is more debilitating to our national wealth than anyone can imagine. WIPP will help us assess the fully reflected cost of the nuclear industry.

Another conclusion I've come to, one-fourth of our children grow up in poverty. Our infant mortality rate is 16th among developed countries. Prenatal care lags in New Mexico.

My point is that resources are scarce and that inordinate delays at WIPP costs millions to the national treasury and to our citizens.

I personally believe that individuals who delay the opening of WIPP for reasons not based on deep convictions or belief but for motives of self-agrandisement or ego enhancement are doing their fellow citizens a great injustice and disservice.

Finally, I don't understand why the movement of nuclear warheads, isotopes going into and through Albuquerque and Los Alamos causes no spontaneous uproar and concern, but the removal of the waste does. It preplexes me.

Thank you for your time.

MS. SCHUMMANN: Thank you.

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HEARING OFFICER: Our next scheduled commentor is Richard LaPan.

(No response.)

HEARING OFFICER: Followed by Veronica Dorado.

VOICE: Mr. Richardson, I wanted to let you know that Deborah Reade is here now.

HEARING OFFICER: We will get to Deborah next, then. Thank you.

MS. DORADO: Nuclear waste exists. It is a fact of life. Some people believe there is not a safe way to store nuclear waste, that if there is not a safe way to store nuclear waste, production of nuclear energy and nuclear weapons will come to a stop.

Even if this is true, we must find a way to safely dispose of the nuclear waste that now exists. WIPP is our best alternative.

Nobody is more concerned about the safety of WIPP than the people who live in Carlsbad, but we do realize that nothing is a hundred percent safe.

Do you remember, as a child, wanting to learn how to ride a bike? If you had reasoned with yourself before getting on the bike and decided that it was unsafe because maybe you might fall and hurt

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TS-00422, Page 2

yourself, you wouldn't know how to ride a bike today. For that matter, you may not be driving a car.

Because we already have nuclear waste, we need to try to find a good way to dispose of the waste. Millions of dollars have already been spent on making WIPP as safe as possible. Putting a stop to WIPP right now would be to like stopping riding your bike just as you were learning how to ride it.

Give the WIPP site a chance. Let WIPP have a five-year testing period to determine if this is truly a safe way to store low-level nuclear waste.

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My name is Veronica Dorado, and I'm a college student at New Mexico State University in Carlsbad. I was born and raised in Carlsbad, and I have many relatives who have set their roots and plan to stay there in Carlsbad.

I would not be in favor of anything that would harm my family or my friends and my loved ones.

I understand the great fear of waste while it is being transported. Well, you should also be afraid of driving down your own street right now. Many dangerous toxins are transported every day, every hour.

7.3.1.1-19
7.3.5.1-12

TS-00422, Page 3

I have faith in the TRUPACT container. They are working on making it as safe as possible, and it can only get better. Accidents do happen, so each city should have adequate emergency response training and equipment. But I also believe it is up to that city to go out and get the equipment and the training. You can never have too many safety precautions.

7.3.1.1-19
7.12.9-1
7.12.9-5

A fact of life is nuclear waste. We need to do something with what we already have. Stopping WIPP now will not make existing nuclear waste disappear.

We need a good alternative, and we, the people of Carlsbad, do believe that the WIPP site is the best alternative right now. I support the opening of WIPP in a five-year test period to determine its safety under actual operating conditions.

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Thank you.

HEARING OFFICER: Could you please give us your mailing address?

MS. DORADO: 802 West Monterey, Carlsbad, New Mexico, 88220.

HEARING OFFICER: Thank you. Did you want your statement entered into the record?

MS. DORADO: Yes, I did.

HEARING OFFICER: The prepared statement of Veronica Dorado will be entered into the record as Exhibit No. 506.

(Whereupon, EXHIBIT 506 was marked for the record.)

HEARING OFFICER: We will next call Deborah Reade.

MS. READE: My name is Deborah Reade. My address is Route 9, Box 16-W, Santa Fe, 87505.

I would like to start with some highlights of the DOE's record in handling nuclear materials.

When the U. S. General Accounting Office studied nine DOE facilities in 1986, it found ground water at eight of the nine facilities was contaminated with radioactive or chemical materials. 3.1-2 3.2-1 9-2

I have learned that radionuclides are released into the air at almost all DOE nuclear facilities. Some of these releases have been intentional. Many facilities routinely release radiation in their day-to-day activities.

There is radioactivity and hazardous wastes in the water serving the communities of Atlanta, Cincinnatti, suburbs of Denver, Livermore,

California, and San Francisco Bay, all coming from DOE facilities.

There is plutonium in the Rio Grande when it rains, and plutonium has been found in the fish in Cochiti Lake.

The pollution in the Columbia River extends from Hanford, in eastern Washington, all the way to the sea, where it is found in shellfish.

There is an increased cancer rate in parts of Denver. There is an increased cancer rate among Hanford and Livermore workers. There is an increased cancer rate downwind from the Nevada Test Site, and there is increased cancer rate in Los Alamos. 3.1-2 3.2-1 9-2

I believe that if studies are done around other sites, including Santa Fe, an increased cancer rate will be all too apparent.

The DOE history of waste storage is one of dumping waste into rivers, creeks, and lakes; burying it in cardboard boxes in unlined pits; and pushing billions of gallons of contaminated water under pressure into aquifers through injection wells.

DOE talks about wanting to do radioactive experiments in the WIPP. Will these be like the 1986 planned release of radioactive xenon at the

Nevada Test Site or the 1949 Green Run Experiment at Hanford where they purposely released iodine 131?

Now DOE wants to transport hundreds of truckloads of wastes every year all over the country and through New Mexico to bury it near Carlsbad. They want to bury it in a repository that has a reservoir underneath it of pressurized brine and hydrogen sulfide gas, a repository that was supposed to be dry, but is now found to be wet.

They say the waste, even if it leaks, will not reach the Pecos for hundreds of thousands of years. But they said the same thing at their Savannah River facility, and interaction between solvents and plutonium there has caused the plutonium to migrate to ground water in only 20 years. These same solvents will be present at WIPP.

They want to put waste in WIPP for experiments without showing that the facility can meet EPA standards for permanent disposal.

They claim retrieve the waste after five years, even though the salt is closing in two to three times faster than they thought it would, water is coming in faster than they thought it would, and huge cracks are forming in the ceilings of the repository.

When the salt falls in, it will become contaminated, too. There will be more waste to retrieve than they started off with. Where will it go? To Idaho? 3.1-2 3.2-1

They want to transport this stuff in containers which, if they do get NRC approval, can barely pass a 60 mile an hour crash, transport it on Interstates, where many cars are going 70.

They have admitted that accidents will occur, but do not seem to want to train and equip emergency responders along all the routes for the life of the project, nor have hospitals on all the routes trained and equipped to handle the contamination that would occur. 7.3.4.1-1

We should also remember that WIPP is a pilot project for a general plan of deep burial of nuclear wastes. If DOE succeeds in pushing WIPP down our throats, they will want to start deep burial of high-level wastes, transporting them, too. There will then be so many trucks on the highways carrying wastes that we can predict one accident every month after the year 2000, one-third of which could release radiactivity. 7.3.5.1-5

DOE says they will meet applicable hazardous waster regulations under RCRA, but their 3.7-2

TS-00423, Page 5

idea of meeting these regulations is to request a nationwide variance.

RCRA requires that DOE knows what is in the canniaters going to WIPP, that certain wastes be treated before emplacement, and that ground water at WIPP be tested for 30 years after the WIPP is closed.

DOE says it is not feasible to find out what they're shipping, that it's too difficult to treat it, and that they can, quote, "demonstrate that there is a low probability that leaks...will occur," close quote. They believe they should not have to test after WIPP closes at all.

I do not believe that we can trust the DOE. There are numerous examples of DOE knowing of leaks and problems at their facilities, but not letting the public know.

They knew of the cracks at WIPP since 1987, but these only came to light when a state oversight official noticed them a month ago.

How long did they know that more than half the radioactive waste going to WIPP was mixed with hazardous waste before this information was revealed last year?

How many other facts have they neglected

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3.2-1

TS-00423, Page 6

to tell us?

DOE has shown that it cannot act in a responsible way. Decisionmaking powers should be taken away from this agency, and criminal prosecution of its officials should be further investigated, as is being done at Rocky Flats.

It is time to admit that burying waste at WIPP is, to use a DOE word, unfeasible. We do not now have the technology to permanently dispose of radioactive waste.

We must move to heavily monitor retrievable storage. We should stop producing the waste that we don't know what to do with, and clean up the sites all over the country that are presently contaminated.

We should not drag it all over the highways to bury it in New Mexico and create yet another national sacrifice area.

HEARING OFFICER: If you wish to make your comments an exhibit in the record, please provide them to the Court Reporter.

MS. READE: Can I submit it at a later date?

HEARING OFFICER: You have until July 11th to submit written comments.

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3.1-2

3.6-1
3.6-2
5.3-1
9-2

TS-00424, Page 1

VOICE: I thought it was the 11th.

HEARING EXAMINER: That's correct, and you can get the address from the registration desk in the lobby.

The next scheduled commentor is Don Brayfield. Would you state your mailing address for the Court Reporter, please?

MR. BRAYFIELD: 413 Barton Road, Santa Fe, New Mexico.

Mr. Hearing Officer, I am speaking as President of the Southwest Extra-territorial Neighborhood Association. We are within a quarter-of-a-mile of the route, the WIPP route.

HEARING OFFICER: Please proceed.

VOICE: Will Mr. Brayfield have ten minutes?

HEARING OFFICER: The representatives of organizations and political officials were to speak today during the hearing today.

VOICE: I know that yesterday, in Albuquerque, they made exceptions. When someone came in who was a representative of an organization, they were given extra time.

HEARING OFFICER: Mr. Brayfield hasn't signed up as a representative of an organization, so

TS-00424, Page 2

I'm going to hold him to his five minutes.

Please proceed with your comments.

MR. BRAYFIELD: I would like to say that it's very unfortunate in this country today that we have a department of government that engages in willful lying, willful thievery, and willful deception of the public. 3.2-1

I would also like to say that WIPP is an experiment. The nuclear bomb was an experiment. The nuclear program so far is an experiment. We don't know what the ramifications are. We just don't know what the ramifications are. We are not going to know for generations, perhaps hundreds of years, what the release of radioactivity into the atmosphere of the planet Earth will do to the human species and animal species.

It's really very sad that this country experiments the way it experiments. It experimented in Viet Nam with counterinsurgency warfare. It lost a war at a great cost to my generation.

And now it's experimenting in WIPP, and it's going to hurt people. People are going to get hurt, you know, on one side or the other. 3.1-2

But I learned something struggling against the war in Viet Nam: Don't get mad; get

even. Don't terrorize; organize.

It's going to take the people of New Mexico rising up against the federal authorities and against the state authorities in legal, peaceful means to stop this experiment.

It will have to stop. It's going to fail. Viet Nam failed. Nicaragua failed. These experiments of these people that think they know what they are doing when they don't know what they are doing will fail. You are going to fail.

I would also like to address the Carlsbad authorities. I served in the Forest Service in the Guadalupes. I'm familiar with Carlsbad. I don't see any of the people on the other side of the tracks, and they know what I'm talking about.

Carlsbad is a town infested by racism, you know. It's a depressed economy because it relied on mining. And when the mines played out, the economy was gone. Now they have WIPP.

So where are the people from the other side of the tracks? I haven't seen any of them. Where are the Viet Nam veterans from Carlsbad? I haven't seen any of them. Where are the victims of America's incessant need to experiment?

I would appreciate it if the DOE would

3.1-2

stop experimenting on my neighborhood, my children, and the citizens of the State of New Mexico, and the citizens along the other WIPP routes.

3.1-2

I have a very simple solution for your problem. What you do with your nuclear waste is you put a fence around it, first; second of all, you entomb it; and then you wait until you have a real solution, not just something that DOE has wanted to do for 15 years now because they think it's a good idea.

5.3-1

I would really appreciate it if DOE would stop lying to the public. Thank you.

3.2-1

HEARING OFFICER: Our next scheduled commentor is Will Saul Lumpkins.

MR. LUMPKINS: My main concern -- my name is Will Saul Lumpkins, 300 Callecita Place, Santa Fe, New Mexico, 87501.

There is a main -- there is a reason that, as a concerned citizen, I have come before this hearing. One of the reasons is that I have -- I need to speak to the people of New Mexico as well as to the government organization of the DOE. I need to make it in a public statement that cannot be misconstrued or misquoted.

My understanding is that these hearings

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are being recorded by a Court Recorder, who I look at and I can trust. It makes me feel very comfortable.

First of all, I am addressing not the people who represent DOE personally; I am addressing the organization of the DOE.

As a result of my research of public information on the decisionmaking process typical of the DOE, my personal feelings, I know that nothing said in these hearings will have any impact on any decisionmaking in the DOE. 2.3.2-2

From my research, which is public information, if any business from the private sector acted in the irresponsible manner that the DOE has acted in the past, that business would be bankrupt. Only because it is under the shelter of the federal government -- and we all know that finances in the federal government especially those areas connected with the Defense Department -- require no or little accountability. In other words, what we spend on defenses seems to be a moral obligation not to question.

But I feel you have made an error in judgment in your calculation of the spirit of the people of New Mexico. 3.1-2

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First of all, I think an error in judgment is that New Mexico, possibly because it happens to be economically in the lower echelon -- there is an assumption in other areas of the country that we have a minimum of sophisticated people involved. This is an erroneous belief. This area especially, per capita, has a greater number of aware, sophisticated, powerful people. 3.1-2

DOE has not experienced any of this power as to-date because the wise person does not use his power until necessary.

This state has always been one of fierce pride and commitment to the protection of our land and our environment.

There is a native quotation that the people of New Mexico understand that says without the land we have nothing, nada.

When you see a plant that has grown strong in this harsh, beautiful environment after years of struggle and adaptation, you know it's strong. That is the spirit of the New Mexican.

We have a tradition that still exists here long before the Europeans arrived: The land and the environment is one of the most important things of this population.

Most of the people who are attracted to our state and who remain here, as well as the native New Mexican, will not allow this threat of destruction to increase.

This is not an opinion, but this is a statement of fact based upon my 55 years of residence in this state.

It has generally been a historical fact that change has been initiated by a committed few who are willing to lead the people in the necessary change. This is especially true in the Southwest. It is not part of the southwestern myth. It is part of the southwestern reality.

HEARING OFFICER: Mr. Lumpkin, I'll have to ask you to begin your summation now. Your time has expired.

MR. LUMPKIN: Okay. We have a tradition that still -- excuse me.

Most of the people who are attracted to this state and remain here, as well as the native Americans, will not allow this threat of destruction to increase.

I personally state here in this public meeting -- and I know I speak for most of New Mexico and the ones who could not be here -- that you have

taken on more than you could personally comprehend if you continue this threat to our state and its people.

You will find the power of a government department such as the DOE paled in comparison to the power and tenacious strength that has been a part of our people from the beginning. I say this not as a threat to you in any way. 3.1-8

This is not why I choose to speak to you. I share this with you because, in my understanding of the DOE and the government, they have chosen an inappropriate behavior and policy in this case --

HEARING EXAMINER: Mr. Lumpkin, your time has more than expired now. I will have to ask you to cease.

MR. LUMPKIN: Thank you very much, and I hope that you people will hear.

HEARING OFFICER: You will have an opportunity to submit written comments, if you like, until July 10.

MR. LUMPKIN: Thank you. I will do so.

HEARING OFFICER: I am next going to call Tom Duffin.

MR. DUFFIN: My name is Tom Duffin, 1507 Munroe, Carlsbad, New Mexico, zip code 88220.

I was born and raised in Carlsbad and have lived most of my life there. I have two children, a wife, and my extended family living in Carlsbad.

For the past eight-and-a-half years I have worked as a fire fighter for the City of Carlsbad, currently holding a position as Fire Prevention Training Officer.

During this time, I have closely watched the development of the Waste Isolation Pilot Project knowing that I might be called upon to respond to a WIPP-related incident either at the site itself or in a transportation accident.

I have received classes from the Environmental Evaluation Group, the Department of Energy, and the EPA on radiation and the handling of radiation accidents. 1-1

I have toured the WIPP site as a fire fighter and I am impressed with the redundant safety features at these facilities.

The TRUPACT transport system itself has undergone exhaustive testing, and the results are being evaluated at this time.

I personally know and have worked with fire fighter EMT's from the WIPP site, and I am

impressed with their knowledge and dedication towards human life and safety.

While a firefighter hopes to never respond to any type of hazardous materials incident, I am not overly concerned with my abilities to safely mitigate an incident involving transuranic waste. 1-1

In conclusion, I want to state that both as a professional emergency responder and as a citizen of Carlsbad, and with a family to care for, I see no reason to further delay the opening of the WIPP facility.

Thank you very much.

HEARING OFFICER: Our next commentor is Debbie Guerrera.

(No response.)

HEARING OFFICER: Followed by Brent Bacon.

MR. BACON: My name is Brent Bacon, P. O. Box 16291, Santa Fe, New Mexico.

Those of us here, pro or anti, are speaking for millions of people on this planet when we ask: What's going on in this corner of New Mexico in the U. S. of A?

I have many friends in Australia, New Zealand, England at Greenham Common, Spain, France,

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Germany, Switzerland and the Soviet Union, etc., who are watching us here to see what direction we take, and I'm damn proud to have a chance to speak for so many people who cannot be here tonight.

I'm a Disabled American Veteran, and I'm a patriot.

Now, where the WIPP site is, it's in my backyard and it's been in my backyard for 19 years. I've been to other DOE "hot" spots like Mercury, Nevada, where nuclear bombs are tested, on Shoshone land against their wishes, and I was just outside of Rocky Flats in Colorado last weekend, where the plutonium triggers are made to jumpstart the fusion reaction for these nuclear bombs.

I've got to say there is an awful lot of concern over this monster of nuclear waste or toxic waste that we have allowed to be created on our planet. 3.6-1

We are talking concern about poisoning of our natural resources, such as the air, water, and soil, and the most important resource, our children.

Let's set up an imaginary scenario. Let's say we are workers at Rocky Flats outside Denver, Colorado, because it's close and all. We get 2 to 4 tons of plutonium a year, mostly from

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Pentax in Amarillo, Texas.

Now, we need to purify this recycled plutonium so that it's weapon-grade, to have a maximum effect. Then we need to shape it and polish it just so, into 10-pound balls. If it's not just so, precise, it won't reach critical mass! to start the explosion to detonate the warhead that Jack built.

Now, how do we purify this plutonium? Well, we either use acid or electric high voltage, and then we shave it and shape it on machines to the right dimensions. Then the bell goes off, the work day is over, it's panhana time, and we get to go home. I guess we better sweep up these shavings and put them in this barrel over here and -- oops, my dosimeter says I splashed some of that acid on my radiation-proof suit, so I've got to put that in this barrel over here. And this little puddle over here I will just flush down the drain, then I'll shower and go home. 3.6-1

Meanwhile, back at the Flats, these barrels keep piling up, and how are we going to get rid of them?

There is 331,000 pounds of industrial waste that we got rid of into the metro area's air

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last year. There's the 31,900 pounds of acids that escaped the plant just through evaporation last year.

We can burn 763,080 pounds of our waste a year. Building 771 burns the stuff with plutonium on it, 336,000 pounds a year. Building 122 burns solid waste and the 2,080 pounds of urine that we use for lab tests is vaporized into the air. Phew, it smells kind of funny around here.

Liquid waste goes into the three creeks that run through the property and into the water supplies in four towns, and they can drink up some of that waste. 3.6-1

148.9 million gallons of liquid a year goes into the Great Wester Reservoir and Stanley Lake.

I think that's it. Whoops, wait a minute. What about this 20 million gallons a year of sludge -- I can't tell you waht's in it, national security, you know -- and these nasty 210,000-plus pounds of metal chips a year -- can't tell you what's in that, either. There is not enough permits to go around. And we're probably going to have to ship these out of here. I guess we ought to send them through Santa Fe to that there WIPP site.

I've been told that one ounce of

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plutonium could kill all the people on this planet if we spread it out thin enough and we make it in ten pound balls. Are you with me? 3.6-1

Back to this issue. Is the WIPP site safe, and will it ever be?

Another issue for me is one of trust. Here I have appointed government officials that we pay the salaries of, and I don't know if they are being rigorously honest.

What can you do for me that I can regain my trust in this government of the people, for the people? 3.2-1

Why don't I feel safe? I've got weapons that could go of by mistake or on purpose. I've got waste and war mentality generated by male-type fears.

I don't feel safe and I pray often and literally for the day when the Department of Energy might be talking about something to do with the Sun's energy, and the word "nuclear" is referring to a family.

As far as economic conversion, let's say no to the WIPP site in our backyard and send the displaced workers up to Rocky Flats to help with the cleanup; there's lots of job security up there. 1-2

I'd like to say thanks and good luck to a

friend of mine, Jack, who is facing federal charges in Nevada.

Thank you.

HEARING OFFICER: Our next scheduled commentor is Ken Jacks.

(No response.)

HEARING OFFICER: Followed by Priscilla Logan.

(No response.)

HEARING OFFICER: I will go back and recall all the names I've called already, after we get through the list.

After Priscilla is Margie Hicks.

(No response.)

HEARING OFFICER: Joe Landwehr.

(No response.)

HEARING OFFICER: Lewis Whitlock.

(No response.)

HEARING OFFICER: Judy Higginson.

(No response.)

HEARING OFFICER: Is Angela Cerraro here?

MS. CERRARO: My name is Angela Cerraro, P. O. Box 2162, Santa Fe, New Mexico, 87504.

I'm here because the DOE, the Department of Energy, is not doing its job. And a large

3.2-1

percentage of my job goes to paying the Department of Energy to do its job.

Their first consideration is not to see that WIPP is implemented, but to attend to each minute detail and each minute step, making sure that the radioactive wastes can be transported and stored safely.

After all, the reason for making nuclear weapons and needing to store radioactive waste from this production is supposedly to protect all people who live in this country.

From the information I'm continually gathering on this issue, the Department of Energy is not doing its job.

It is not protecting the people who make the weapons. It is not protecting the people who live near the facility, and now they are attempting to jeopardize thousands and thousands more people in Colorado and New Mexico by transporting it unsafely and with very little regard to human error, drunk driving, and traffic accidents to a site that does not comply with basic EPA standards.

Just because there are toxic wastes being transported and produced does not justify further unsafe operations.

3.2-1

3.1-2

It is travesty enough that nuclear weapons kill other people's lives and environment. The DOE should be 100 percent responsible in addressing all concerns about the actual dangers of WIPP and its transportation. 3.1-8

Instead, we, the people, catch you forgetting to mention and publicize environmental dangers and concerns, overlooking dangers and concerns, and not listening to informed sources regarding these dangers.

In short, I must not only pay my taxes to pay for your jobs, but I must partially do your jobs for you. 3.2-1

How is it even possible that I, an office manager, seems to know and care more about the dangers of WIPP than the DOE seems to?

I think you need to remember we are the people that you are supposed to be protecting and defending, not the WIPP.

I'm opposed to WIPP unless I find it to be 100 percent safe. It's not good enough that it is pretty much, almost safe. 1-3

It is time to start looking for smarter, more responsible alternatives. Burying it out of sight and out of mind does not solve the problem. 5.3-1

If it did, I would be supportive of WIPP. 5.3-1

Thank you.

HEARING OFFICER: Is Toby Loper here?

(No response.)

HEARING OFFICER: Johanna Mayberry?

(No response.)

HEARING OFFICER: Dr. Ron Press.

(No response.)

HEARING OFFICER: Alex Fisher?

MR. FISHER: My name is Alex Fisher. My address is Post Office Box 73, Rowe, R-o-w-e, New Mexico, 87562.

I'm not a public speaker, and I have no wish to reiterate the arguments that we've heard already for the last several days against WIPP.

I do wish, however, to go on public record as being opposed to WIPP now opening or forever opening at any time. 1-2

I'm also opposed to the use of nuclear energy now or forever, as we now know its use available to us. 9-3

I believe that it's inappropriate to leave a legacy of 240,000 years of nuclear waste for our children, our children's children, and however many generations there may be. 1-2

I think that is inappropriate because we have no idea how to discharge that waste. I believe that opening WIPP condones the continued use and experimentation of nuclear energy and its accompanying waste, and I just wish to say that I object to that.

Thank you. 15-Jun-89: TS-00429, PAGE 2 OF 2

HEARING OFFICER: Is Frank Sena here?

(No response.)

HEARING OFFICER: We will go back to the start of the list. It might be quicker to say is anyone here who is signed up to testify?

(No response.)

HEARING OFFICER: Let the record show that no one responded.

Let's take a five-minute break at this point.

(Whereupon, there was a brief recess taken.)

HEARING OFFICER: The record will reflect that after a short recess, we're back on the record at 10:06 p.m.

The next scheduled commentor is Mr. Thomas Morgan. 15-Jun-89: TS-00430, PAGE 1 OF 4

MR. MORGAN: I urge the earliest

1-2

1-1

practical start of the five-year test phase equipment using transuranic waste, as proposed.

My involvement in the U. S. nuclear waste repository programs goes back to the '50's and includes contract work for WIPP.

During these 30-plus years of involvement in these programs, I have noted literally thousands of research studies devoted to the various aspects of safely and permanently disposing of our nuclear waste.

The subject has been almost studied to death, yet all of this effort involves small-scale studies or mathematical modeling using guesses of large scale effects or properties.

It is now time to move to the next logical step in the design of a safe, permanent storage facility, namely, the five-year test phase.

My experience in performing mine design research in many mines, including nine salt mines, three potash mines, including two near Carlsbad, and other evaporative mines, has shown me that these mines can't be designed precisely aboveground. The final working designs always evolve with experience.

This will also be so with WIPP. The salt and other evaporative mines I have worked in were

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1-1

7.12.8-1

often below lakes, rivers, and, in one case, below the Gulf of Mexico. They were also above and below aquifers, some of which contained toxic gases.

Many of mines often dripped, and, in some cases, gushed water. They all had cracks in the roofs and closed at least as rapidly as occures at WIPP. Yet these mines are considered safe.

I doubt if the miners working in these mines would hesitate to work at WIPP.

I have heard nothing about the structural behavior of WIPP that surprises or alarms me. I think the concerns over WIPP are largely misdirected.

It would be more to the point and more fruitful if the people now opposing WIPP studied with the same energy the environmental and safety hazards involved in continuing to store waste at the source facilities.

If these hazards were as closely examined as those involved with WIPP and similar EIS public comment meetings were held in the communities where these wastes are being stored, I predict that we would hear even more vocal opposition to storing these wastes in these neighborhoods than we are hearing in Santa Fe.

Thank you.

7.12.8-1

1-1
5.1-2
5.2-1
5.2-2

HEARING OFFICER: Mr. Thomas, could you give your mailing address for the Court Reporter?

MR. MORGAN: 138 Aragon Avenue, Los Alamos, 87544.

HEARING OFFICER: Thank you for your comments.

Mr. Thomas Morgan's prepared written comments will be entered into the record as Exhibit No. 507.

(Whereupon, EXHIBIT 507 was marked for the record.)

HEARING OFFICER: Are you gentlemen signed up to testify?

VOICE: Not right now, no. Tomorrow.

HEARING EXAMINER: Mr. Evans, we are ready to take your comments. Next on the commentor list is Carl Evans. Would you state your address for the Court Reporter?

MR. EVANS: 125 Michelle Lane, Santa Fe, 87501.

HEARING OFFICER: Please proceed with your comments.

MR. EVANS: I think there is a great injustice being done in these hearings.

I think the nature of the injustice is

3.6-1

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that we are taking for granted the necessity and the usefulness of the atomic energy industry and atomic energy in weapons. I think that this is falacious.

We are at a point now in scientific history where superconductors are starting to become available, where less electricity is going to be needed, and where solar and geothermal energy can be used much more efficiently than ever in the past.

Why are we then committed to getting 26,000 years of devastating waste to boil water to make steam to generate electricity? 3.6-1

The entire emphasis of the Department of Energy is going down the wrong path. They should be leading us into a safe and sane world.

As long as we as the people of America sit by quietly and say, yes, atomic energy is there, atomic energy must continue to proliferate, these hearings are going to be the spearhead of devastation to come.

There may never be a major accident on a WIPP thoroughfare. I don't believe that will be the case, but there may never be. 7.3.5.1-12

But the possible contamination to ground water, what is happening now in Chernobyl, what we came that close to in Three-Mile Island are things 3.2-1

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that the public is not addressing.

The public is asleep and those factions of the public that are awake to these issues are being regarded as cranks.

The government policy is: "We know what's best." Well, in this case, a great number of people, educated, reasonable people, do not believe that the government knows best, do not believe that the government knows what it is doing, in fact, because it's mortgaging the future of this country, of the gene pool of the basis of humanity to generate electricity and to have warheads in superabundance to do what? 3.2-1

The Department of Energy is a tool. They are not responsible for basic policy. But at the Nuremburg war crimes trial, it was established that if somebody is forced to violate their conscience and they do violate their conscience, they are guilty of a criminal act.

Where is the conscience of the DOE? Is it to be found in a number of documents that are biased toward a certain scientific standard, or is there somewhere in the government of the United States and the hearts of the people involved a basic humanity that's going to see to the future survival

and cleaning up the environment of this planet?

Any other consideration is criminal. Whether or not you, as members of the DOE, or as members of the public, can be a party to this kind of criminal thinking and action is beyond me. I cannot.

WIPP is a crime the effects of which is going to be felt somewhere in the future. We don't know where, we don't know when, we don't know how. But to say there will be no negative effects of WIPP is a fallacy.

It is my hope that the sane and reasonable minds of the people involved are going to come to a reasonable conclusion and contain this damned mortgage on the future where they are.

Don't move it needlessly through the country; and find a way to shut down these plants, to stop making atomic weapons and return this world to a favorable ecological balance.

Thank you.

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HEARING OFFICER: Our next scheduled commentor is Dr. Victor Kalma.

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DR. KALMA: Thank you. I just happened to drop by. I wasn't planning to make any comments, but in the downstairs room in the general session,

3.2-1

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there and up here, I've heard many comments that were generally anti-DOE, anti-WIPP, and I just want to make a few comments from perhaps not 180 degrees opposed, but from a -- a few comments that aren't exactly anti-WIPP.

My name is Dr. Victor Kalma. I'm an emergency physician at Los Alamos Medical Center, having nothing to do with the Laboratories.

I live here in Santa Fe. I have advanced degrees in chronic disease epidemiology, and I have worked for the State of New Mexico in the past as a medical consultant, and I'm often present at hearings involving toxic waste, ground water contamination, et cetera.

As an emergency physician at Los Alamos, I'm in charge of the decontamination procedures for the hospital. And, of course, being so close to a nuclear facility, we do have to be up on this kind of stuff. And we're generally trained rather well by some of the physicians at Los Alamos National Laboratory in decontamination.

My personal views on WIPP -- and this does not reflect the views of the hospital or the Laboratory or the State of New Mexico -- are that New Mexico, I believe, has the technological ability

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3.1-1

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to be a pioneer in radiosctive waste isolation, and should proceed with whatever caution is necessary in that direction.

I believe that the current waste, radioactive waste isolation, the status of said waste isolation is so abysmal that I think New Mexico has a duty to the rest of the country to pioneer methods of the safest possible isolation of dangerous materials. 3.1-1

The mainly negative comments that the general population here in Santa Fe have about the DOE I'm afraid, in many cases, can be really supported by fact.

And I, myself, have had a rather negative impression about how the DOE operates.

One of the things I would like to mention is that while the goals may be golden on paper, from my personal observations, the DOE operates on a "good old boy" network in many cases. 3.2-1

This not only goes for personal relationships, but also between the DOE and subcontractors.

As long as these kinds of situations exist, everything that the DOE says they are going to do on paper winds up somehow getting forgotten

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down the alley of years.

And, 30 years from now, our children are going to be in this same room complaining about why these things didn't happen and why the route is contaminated now, et cetera. 3.2-1

I have every confidence that technology, the DOE, and other branches of the government, can, in fact, provide a reasonably safe method of transportation to the WIPP site and can eventually provide a safe waste isolation site. 3.1-1

I am not familiar with the details of the geologic considerations of the WIPP site as it stands now, and I am not prepared to make any comments on that.

One other thing I would like to say is that I have noticed that many of the people who are speaking against WIPP have some kind of general paranoia about radiation.

I am not in defense of releasing radiation in the general environment, but I can say that people that are afraid of radiation really must study the subject and be aware of the percent risk that it represents compared to many of the other risks that we are involved in.

The toxic risks that we are involved in

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are great, but radiation is very low on that list.

I'm sure any reasonable person that has been involved in the scientific study of radiation, chronic disease, and toxic effects of various chemicals, et cetera, on the environment can easily prove that.

I think one of the main concerns of the population is that radiation, unlike many other chemicals, persists for vastly longer periods of time, and that this is one of the main considerations.

I think that with adequate technological safeguards, the Waste Isolation Pilot Project can, in fact, succeed and show that New Mexico is and will be a pioneer in isolating such dangers from the population. 3.1-1

Thank you.

HEARING OFFICER: Dr. Salma, before you leave, could you give us your address?

DR. SALMA: My mailing address is Box 231, Route 4, Tano, T-a-n-o, Road, Santa Fe, New Mexico, 87501.

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HEARING OFFICER: Thank you for your comments.

I'm going to go back to the start of the

list and call the names I've called earlier this evening to see if there is anyone here who I called earlier who wasn't present.

Commissioner Bill Kirkes?

(No response.)

HEARING OFFICER: Frank Nolan?

(No response.)

HEARING OFFICER: Key Whitney?

(No response.)

HEARING OFFICER: Gilberto Quintana?

(No response.)

HEARING OFFICER: Richard LaPan?

(No response.)

HEARING OFFICER: Debbie Herrera?

(No response.)

HEARING OFFICER: Ken Jacks?

(No response.)

HEARING OFFICER: Priscilla Logan?

(No response.)

HEARING OFFICER: Margie Hicks?

(No response.)

HEARING OFFICER: Joe Landwehr?

(No response.)

HEARING OFFICER: Lewis Whitlock?

(No response.)

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HEARING OFFICER: Judy Higginson?
(No response.)
HEARING OFFICER: Toby Loffer?
(No response?)
HEARING OFFICER: Johanna Mayberry?
(No response.)
HEARING OFFICER: And Alex Fisher?
(No response.)
HEARING OFFICER: We already had Alex Fisher. Excuse me.
Dr. Ron Press?
(No response.)
HEARING OFFICER: And, finally, Frank Sena?
(No response.)
HEARING OFFICER: Let the record reflect that it is now 10:30 p.m.
(Whereupon, there was a brief discussion held off the record.)
HEARING OFFICER: The next scheduled commentor is Joe Landwehr. Would you please state your mailing address for the record and then proceed with your comments?
MR. LANDWEHR: My mailing address is P. O. Box 15178, Santa Fe, 87506.

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I would just like to say that even though I'm not, by any stretch of the imagination, a nuclear physicist or have the technical expertise to wade through a thousand-page document, I am concerned about some of the things that I've heard, and I'm here tonight to speak about that concern.

It seems to me that at a time when DOE facilities around the country, including those at Rocky Flats, Savannah River and others, are experiencing so much trouble in terms of the environmental damage that has already been done, at a time when several independent groups of scientists, including the Environmental Evaluation Group and the National Academy of Sciences have declared the environmental impact study that DOE has done to be inadequate, and also declared the tests that DOE proposes to be unnecessary, that the burden of proof should be on DOE to prove that WIPP is safe and that WIPP can meet existing and new EPA standards before any waste is in place. 1-3

Secondly, I would like to say that even though we are talking about the issue of nuclear waste and what to do with it, the real issue that we need to be addressing is why we are generating this waste in the first place. 3.6-1

Supposedly, it is in the interest of our national security to continue to build nuclear weapons and, therefore, to have to deal with the waste that results from the building of these weapons.

But I have to ask the question that when our national security policy begins to endanger the people of this country before any wars are fought, before any thought of war is entertained, then what good is it?

Who are we protecting ourselves from and why?

I wonder if these questions will ever be asked? I think they should be.

We're dealing with a technology that we do not fully understand, we're dealing with a reality that we do not fully understand.

The Environmental Impact Statement addresses what will happen over the course of the next 10,000 years, but the reality is that the substance that we're dealing with is radioactive for 240,000 years. This is longer than the history of human civilization in this area.

So, I know it is the American tradition not to admit that we are dealing with problems that

3.6-1

7.14-5

3.2-1

we do not know how to handle, but I think this is the reality that we are dealing with with nuclear waste.

When the DOE statement itself indicates that leaving the waste where it is now is the safer alternative than transporting it across the country to be in place at a facilities whose safety is questionable, I think that that alternative should be considered more carefully.

3.2-1

5.2-1
5.2-2
5.3-1

That's all I have to say. Thank you.

MS. SCHUMMANN: Thank you.

HEARING OFFICER: I understand that Priscilla Logan is here.

MS. LOGAN: Yes. I have a special helper.

MR. SEASON: Not an attack dog, is he?

MS. LOGAN: No. I have a written copy, too. Who do I give that to?

HEARING OFFICER: To the assistant here. We'll mark the prepared comments of Priscilla Logan as Exhibit No. 508 in this proceeding.

(Whereupon, EXHIBIT 508 was marked for the record.)

HEARING OFFICER: Ms. Logan, if you could please state your mailing address for the Court Reporter and proceed with your comments.

MS. LOGAN: My name is Priscilla Logan. My mailing address is Route 2, Box 305-62, Santa Fe, New Mexico, 87505.

As a school teacher, I have spent a lot of time teaching children how to protect our environment.

One of the ways that I've done that is to act as Enviro-cop. As Enviro-cop, I deputized the entire Alvarado Elementary School to help clean our environment and to keep our world clean.

I gave each student a golden star and explained that that star was magic. The magic of the star is once you're given the star and once you have the star, it works forever. And what it does is that it keeps on reminding you that this is a responsibility that we have to safeguard the world.

And at Alvarado Elementary, we started by cleaning our school yard, and Enviro-dog was part of the process of cleaning the school yard.

We will continue by being aware of how our actions affect ourselves today, tomorrow, and into the future.

I'd like to give each one of you -- I'm sorry I don't have enough for all of you -- but I can give each one of you a golden star, and you can

put it on your hand or your cheek or your forehead or wherever you like (indicating).

Gold is a color of transformation, and what I hope we can do is to transform these hearings not to one of opposing ideals and people's ideas but that we can transform it to cooperating together to come up with ideas and solutions for one of the world's most crucial problems, that of dealing with nuclear waste.

I also anticipate that if we can work together throughout the world, we can find a way to transform the deadly nuclear waste to a safer form, perhaps even something that will be useful to us. 3.1-7 5.2-1 5.2-2

So you are now deputized. You are now deputized to safeguard the world forever and remember the magic of that golden star.

As Enviro-cop-deputies, I have four concerns that I would like to bring to your attention. My concerns are, No. 1, the opening of WIPP without meeting the promulgated EPA safety standards. 3.1-2 3.1-3

The soil and the drinking water of thousands of people could be contaminated for up to 240,000 years due to the unstable condition of the WIPP site.

Another concern of mine is transporting the waste along the highways instead of on a safer rail transport. 7.3.2-4

Catastrophic accidents, such as Chernobyl, could occur through the nuclear waste routes throughout the United States. 7.3.5.1-12

Human error, which caused Chernobyl and many other accidents, was not properly taken into account in the SEIS statements. 7.3.5-1 7.13.3-1

Another concern that I have is placing any amount of nuclear waste at the WIPP site for experiments that could be performed more safely at the laboratories because there would be no transportation involved. 5.1.1-1 7.11-1 7.11.2-1

Performing the gas experiments, et cetera, on the nuclear waste in the laboratories where they are stored is also more cost-efficient, because there is no transportation involved.

And my fourth concern is rejection of the no-action alternative with no explanation of why this alternative is being dismissed. 5.2-1 5.2-2

Perhaps in a relatively short period of time scientists could develop a method to change radioactive waste to non-radioactive waste. 5.3-1

If we can develop the bomb in five years,

we have the potential to do the same with transmutation. 5.3-1

I know that you are under a lot of political pressure to open the WIPP site before all these concerns of mine and others are dealt with. It takes a lot of courage to stand up to this kind of pressure. That kind of courage comes from your hearts. 3.1-8

Nuclear waste was created by using our minds. Let's transform it to a completely safe form by using our hearts and our minds.

Thank you.

MS. SCHUMMANN: Thank you.

HEARING OFFICER: Let the record reflect that it's 10:42.

I will call the names I called earlier who have signed up to testify. We will start with Commissioner Bill Kirkes.

(No response.)

HEARING OFFICER: Frank Nolen?

(No response.)

HEARING OFFICER: Key Whitney?

(No response.)

HEARING OFFICER: Gilberto Quintano?

(No response.)

HEARING OFFICER: Richard LaPan?
(No response.)
HEARING OFFICER: Debbie Guerrera?
(No response.)
HEARING OFFICER: Ken Jacks?
(No response.)
HEARING OFFICER: Is Margie Hicks here?
(No response.)
HEARING OFFICER: Lewis Whitlock?
(No response.)
HEARING OFFICER: Judy Higginson?
(No response.)
HEARING OFFICER: We will now call individuals who were registered at the door this evening. Toby Loffer?
(No response.)
HEARING OFFICER: Johanna Mayberry?
(No response.)
HEARING OFFICER: Dr. Ron Press?
(No response.)
HEARING OFFICER: Frank Sena?
(No response.)
HEARING OFFICER: That's all I have for people who have signed up to testify. We will be at recess until someone shows up to testify.

(Whereupon, there was a brief recess taken.)
HEARING OFFICER: Let the record reflect that all individuals who have signed up to testify this evening have either testified or been called and not reported for their comments.
We will be at recess until 7:00 a.m. tomorrow morning.
Thank you for coming.
(Whereupon, the hearing in the above-referenced matter was recessed, to be reconvened Friday, June 16, 1989.)

* * *

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* * *

STATE OF NEW MEXICO)
) SS.
COUNTY OF SANTA FE)

REPORTER'S CERTIFICATE

I, Patricia Lou O'Brien, Certified Shorthand Reporter and Notary Public of the firm SANTA FE DEPOSITION SERVICE, do hereby certify that the following transcript is a complete and accurate record of said proceedings as the same were recorded by me or under my supervision.

Dated at SANTA FE, NEW MEXICO, this 28th day of June, 1989.

Patricia O'Brien

Patricia Lou O'Brien
Certified Shorthand Reporter

My Commission Expires:
February 16, 1990

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BEFORE THE UNITED STATES DEPARTMENT OF ENERGY

IN THE MATTER OF THE SUPPLEMENT TO THE ENVIRONMENTAL IMPACT STATEMENT FOR THE WASTE ISOLATION PILOT PLANT PROJECT) Public Hearing

TRANSCRIPT OF PROCEEDINGS

June 16, 1989

Day Session - 7:15 AM

Main Room

at

Sweeney Center
Santa Fe, New Mexico 87501

BEFORE

ROY EIGUREN, Hearing Officer
JAMES BICKEL, DOE
JIM SZENASI, DOE
ARLEN HUNT, DOE
PAT SALLANI, DOE

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MR. EIGUREN: Good morning, ladies and gentlemen. At this time we would like to formally open this morning's public hearing. This is a continuation of the public hearing commenced yesterday by the United States Department of Energy here in Santa Fe, New Mexico. This is June 16, 1989, approximately 7:15 AM. This is United States Department of Energy proceeding 0026-DS. Our purpose in being here is to receive public comment regarding the Draft Supplemental Environmental Impact Statement which has been prepared in relationship to the proposed operation of the department's Waste Isolation Pilot Plant located near Carlsbad.

My name is Roy Eiguren. I'm an attorney in private practice for the law firm of Lindsay, Hart, Neil & Weigler. We have offices in Portland, Oregon; Boise, Idaho; Seattle, Washington; San Francisco, California, and Washington, D.C. I'm the hearing officer for this particular proceeding. I have been the hearing officer for these public hearings as they have been held throughout the United States.

I have been retained by the department as an independent hearing officer to help assure that all interested persons have the opportunity to, number one, obtain information relative to the department's

proposed operation of the Waste Isolation Pilot Plant, or WIPP, as it is known, particularly that exists on the key environmental issues that have been identified relative to its operation; and, secondly, to allow individuals the opportunity to provide comment on all significant issues for additional environmental evaluation and analysis and development of a Final Supplemental Environmental Impact Statement that is associated with this project.

I would like to indicate once again for the record that my role is the hearing officer. I'm not an advocate for or against the Department of Energy's proposed action in this proceeding. I have no vested interest as to when WIPP commences operation or if it does not. My sole purpose at the hearing is to provide all interested persons a fair and equal opportunity to comment on the record concerning issues of concern relative to the potential environmental impacts of the proposed action.

At this point, I will introduce the senior representatives of the Department of Energy who are going to be with me today at the front of the room as the official panel for this particular hearing, they are Mr. Jim Szenasi and Mr. James Bickel. In addition, we have parallel hearings being conducted in rooms

upstairs. We have both additional hearing officers and hearing panels receiving testimony there.

I would like to briefly discuss the federal environmental decision-making process that applies to the WIPP project. The National Environmental Policy Act of 1970, or NEPA, requires that potential environmental impacts of major federal decisions be assessed by federal agencies and that the public be given the opportunity to consider and comment on the potential impacts. This process is accomplished through the preparation of an Environmental Impact Statement which, in turn, is made available to the public for review and comment. Hearings, such as the ones we're conducting here in Santa Fe, are held to receive public input on the document.

The Environmental Impact Statement process is governed by the Council on Environmental Quality Regulations that implements the National Environmental Policy Act. They're also governed by guidelines developed by the Department of Energy. The Council on Environmental Quality is an agency within the executive office of the President of the United States. The guidelines and regulations that govern the conduct of these proceedings in their entirety have been previously marked and included in the record as

Exhibit Number 1, by me.

This process of public comment started with the publication of a Federal Register notice on April 21, 1989. This April 21, 1989, notice commenced a 60-day comment period during which all interested parties were given the opportunity to provide input concerning the Supplemental and Environmental Impact Statements, to ensure all significant issues were identified for consideration in it prior to its finalization. That's included as Exhibit Number 2 in tbe record of proceeding, a copy of the Federal Register notice.

I would note that the Department of Energy developed and completed an Environmental Impact Statement concerning construction of WIPP in 1980. With completion of the project construction and the department's proposed operation of WIPP scheduled for September of this year, tbe department bae prepared a Draft Supplemental Environmental Impact Statement to address additional issues tbat are associated with the project and project operation that have been identified between 1980 now. We see the public comment on this draft statement as a purpose of the hearing.

This bearing is a part of the public comment process and provides an opportunity for

interested parties to provide input on the documents I've mentioned. Both oral and written comments received at this hearing will receive equal consideration, with written comments that are submitted throughout the comment period. Currently the close of comment for these proceedings is now scheduled for the 11th day of July.

Public hearings on the SEIS have previously been held in Atlanta, Georgia; Pocatello, Idaho; Pendleton, Oregon; Denver, Colorado, and Albuquerque, New Mexico. Additional hearings are now scheduled for Odessa, Texas; Artesia, New Mexico, and a site to be located in the State of Utah. Comments that are received on the Supplemental Environmental Impact Statement will be considered by the department in finalizing the document itself. The department has the option, after the completion of the public comment period, either to modify the SEIS or to keep it in its present form.

I would point out that it's the written record that we are developing at this and the other public hearings that are being held that will serve as the legal basis for the Secretary of Energy, the Department of Energy to make their decisions and findings relative to the finalization of the SEIS.

Based upon the Supplemental Environmental Impact Statement, either as it is or in a modified form, federal decision-making for WIPP as a potential operation will lead to the issuance of a Record of Decision, or ROD, by the Department of Energy, in compliance with NEPA implementing regulations. The Record of Decision will define the particularity or the reasons why the department has concluded why it can or cannot commence operation of the WIPP plant at a certain date.

I'll also note for the record that the Bureau of Land Management and the Department of Interior are cooperating agencies with the DOE in the preparation of the Supplemental Environmental Impact Statement. Written comments received on the SEIS, as well as additional comments made at these public hearings, will be used by the BLM in processing the Department of Energy's application for administrative land withdrawal of the WIPP site located near Carlsbad.

At this time I'm going to very briefly describe the procedures that we have been using in the conduct of all these hearings. These are uniform procedures that have been used throughout the country in the conduct of these hearings. The procedures were developed by the Department of Energy in consultation

with me and various public interest groups that have been participating in these proceedings, such as Concerned Citizens for Nuclear Safety. Copies of the procedures are available at the registration table.

First, I would like to indicate that all participants at the bearings are listed in the record, as are tbe comments they present orally. As I mentioned earlier, written and oral comments receive the same weight in the record. If you have a written comment with you and would like to submit it, we'll mark it as an exhibit in the record. If you do not have a written comment with you today but would like to submit it at a later date, you may do so prior to the 11th day of July. You can mail it to the Department of Energy, and the address will be provided to you back at the registration table.

We're now in the public comment portion of this public hearing. Yesterday in this room I received extensive comment from 34 different organizations, elected officials, Indian tribes, state agencies. At the conclusion of that comment, we moved into a question-and-answer period in which the rules of this proceeding do provide that the hearing panel could respond to questions put forth by the public interest groups and elected officials and state government

representatives. All of that concluded yesterday evening approximately 8:00 PM, and beginning about 8:30 we moved into the public comment portion of this proceeding.

Each public commentor has five minutes in which to comment. We would ask that when your time comes to comment you would come to the podium and give us your name and address for the record. As I mentioned to you, you do have five minutes for comment. At four minutes the green light will go on; at five minutes the red light will go on. I would request that once the red light goes on that you bring your comments to a closure as quickly as possible.

We intend to accommodate everybody that would wish to comment on the record. What we will do is go down a list of preregistered commentors. We will also take any at-the-door registered commentors today that appear for this hearing. I'm not going to limit in any way the scope of comments made. I would emphasize for the record that we believe the relevant comments to be those related to the proposed operation of the WIPP plant.

Finally, I would like to express that this is a formal hearing under NEPA. It's a recorded proceeding. Accordingly, everything that is said here

is being captured by the court reporter, who is here in the front of the room with us. Once the record is complete, a full transcript of these proceedings will be made and a copy of the transcript will be available for public review in various locations in New Mexico. As soon as those locations are known, we will make that information available to the media.

With that, we will go ahead and now move into the receipt of comment from preregistered commentors for this June 16, 1989, public hearing in Santa Fe. Our first scheduled commentor is Dr. William Jacobi, followed by Nancy Tibbetts.

DR. JACOBI: Good morning. I'm William Jacobi, vice president and general manager for the Westinghouse Electric Corporation's government operations business unit. My address is Westinghouse Electric Corporation, P.O. Box 355, Pittsburgh, Pennsylvania, 15230.

Thank you for the opportunity to present information for the Draft Supplement to the Environmental Impact Statement for WIPP. My position involves direct management and operations oversight responsibility for the majority of the defense-related facilities that Westinghouse operates for the Department of Energy. These facilities are: the Feed

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Materials Production Center at Fernald, Ohio; the Idaho Chemical Processing Plant; the West Valley Demonstration Project and WIPP.

My Westinghouse career spans 35 years, principally in the nuclear arena. My educational background is in chemical engineering, and I hold a PhD in that field. As in all of our activities, Westinghouse is strongly committed to safety and environmental protection at facilities we manage and operate for the DOE. It is our number one priority. We take safety and environmental protection very seriously.

As you know, many government defense facilities have received national and often negative attention in the news media. That has bred concern, criticism and debate. Some of the concern is justified. No one questions the existence of environmental problems in the nation today and the need for prompt response. Many of these facilities are old and in need of upgrading and environmental remediation. That's exactly why WIPP is needed today. It is a timely response to a national problem. 1-1

In my remarks today, I'll address the role that WIPP plays as a specific solution to an environmental problem. The Waste Isolation Pilot Plant

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is a DOE project established under Public Law 96-164 to demonstrate safe, permanent disposal of transuranic waste. Transuranic waste is generated as a byproduct of nuclear weapons research and production in the US.

This transuranic waste must be safely isolated from our food and water supply. While this waste is safely in a temporary storage at the DOE facilities today, that is not a viable permanent solution. Temporary storage does not provide long-term protection of the environment. Waste storage is now constraining our nation's defense programs and will shortly begin to impact America's ability to produce the weapons upon which our security depends.

The transuranic waste destined for WIPP will be emplaced in a salt bed approximately 2,000 feet in thickness and about one-half mile below the surface of the earth. This concept of deep geological disposal has been the focus of federal research and development for more than 30 years. The National Academy of Sciences has recommended disposal of transuranic waste in deep geological formations like those found at WIPP, because they provide permanent, safe isolation of transuranic waste from the biosphere.

The WIPP salt formation has a number of advantages: first, the formation is large and stable.

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TS-00435, Page 4

The salt bed is over 500 miles long, 200 miles wide and is approximately 2,000 feet thick. It has been there now for more than 225 million years, and its very existence after that period of time is to demonstrate that water is not flowing through it. It is so dry in the WIPP excavation that we have had to pump water down from the surface to sprinkle it throughout the facility, in order to minimize salt dust to the atmosphere; secondly, the WIPP salt formation has good thermal characteristics and is basically unaffected by the heat generated by radioactive decay of the waste; third, the WIPP salt formation behaves much like a plastic. The earth's pressure will cause the salt formation to, over time, flow around and entomb the waste material. This permanently encapsulates the waste inside a rock-hard salt formation, isolating it from our biosphere.

There are only a few remaining questions to be answered about the suitability of WIPP for waste disposal. I believe that the best way to answer these questions is through the proposed five-year test program using radioactive material. During this five years of testing, transuranic waste would be emplaced underground. Data will be collected to evaluate the viability of the WIPP facility. The waste will be

1-1

maintained in a retrievable form during the test phase.

Only after a complete demonstration of the repository suitability will Westinghouse endorse the decision to make WIPP a permanent disposal facility. I want to emphasize that foremost in that decision will be WIPP's ability to meet all applicable state and federal standards. Westinghouse is firmly committed to helping solve our nation's need for safe, permanent nuclear waste management. We're employing the most rigorous, systematic, scientific and engineering approach to safe packaging, waste transportation, route selection, emergency preparedness and waste emplacement. Our quantitative probabilistic risk assessments have analyzed the 56 critical safety, security and environmental protection systems to determine the probability and impact of multiple failures.

MR. EIGUREN: Doctor, I would have to ask you to bring your speech to a close.

DR. JACOBI: The study concludes that, in all probability, WIPP can be operated safely with no public impact. Based on the in-depth readiness reviews and the independent safety and environmental assessment, I am personally confident that WIPP can receive waste safely. Thank you for the opportunity to

1-1

comment.

MR. EIGUREN: We'll mark the written comments of William H. Jacobi as Exhibit 345. Next call Nancy Tibbetts.

(Exhibit 345 marked.)

MS. TIBBETTS: Hello. My address is Route 1, Box 88, Taos, New Mexico. Because five minutes is a short time when there's so much to say, I will mail in a complete letter. I hope that in general the DOE means well. Yet with such a burden as the problems of dealing with nuclear waste, they need and must share decision responsibilities with other scientific teams such as the EPA, the EEG, the NRC and a nongovernmental scientific review panel from UNM, as well as listening to the concerns of citizens whom they are paid by and work for.

We need to approach this greatly serious nuclear waste problem as a nation. Instead of the environmentalists and injured citizens from accident leaks taking the DOE to court and the DOE spending money on court costs and suits, there must be a way that we all can make a financial compromise, yet not a safety compromise. I believe that the majority of citizens are willing to pay higher taxes if they are spent on cleaning the environment and making it safe.

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3.1-6

TS-00436, Page 2

All of us need to weigh all the costs involved and look at different angles for a solution, so that we all can take the burden of financial costs rather than health and property cost. I live approximately 50 miles from one of the WIPP routes. I am very concerned about the transportation plans and accident response. Dr. Gofman, a doctor, physicist and director of Lawrence Livermore National Laboratories and his colleague, Dr. Arthur Panhem, demonstrated that there is no threshold level under which radiation is safe. It takes but one molecule to damage life.

Also from the Environmental Evaluation Group of New Mexico, tbey state, "Since high-level waste and spent fuel, as well as some low-level waste requires shielding for safe handling, there is a tendency to think of TRU waste as a benign form of radioactive waste." However, in collation following release is a more important exposure pathway than external gamma radiation. And the DOE admits there will be radiation exposure to the public through the TRUPACT-II container, and that there will be extremely small airborne releases.

This is not acceptable to the citizens of the United States. It means that children will have to forego playing in sandbox-type situations or wear

7.12.9-3
7.12.9-7
7.12.9-11

7.3.5.2-4
7.3.5.4-3

TS-00436, Page 3

proper masks. Farmers and other outdoor workers would have to wear marks, because we won't know when a plutonium molecule will be coming our way. Does a commercial nose or mouth mask block a plutonium molecule?

I am frightened about the transportation of TRU waste for these reasons: number one, the DOE refuses to designate specific roads to be used; number two, evacuation plans are nonexistent; number three, the satellite tracking system only receives information in 15-minute intervals; number four, state emergency officials have to purchase an expensive computer system to access that tracking system; number five, the trucking company was selected for their low bid and they have no experience bauling nuclear waste on public roads.

Six, DOE has a long history of secrecy and coverup accidents; seven, road improvements have not been completed or started, in many cases; eight, there is no rule to keep routes to four-lane highways; number nine, there is no method for an informant to report a negative safety or mecbanical inspection without fear of retribution; ten, NRC bas only six inspectors dedicated to nuclear waste shipment nationwide.

Number eleven, TRU waste is more dangerous

7.3.5.2-4
7.3.5.4-3

7.3.2.1-10
7.3.3-6

than commercial toxic waste; twelve, the DOE doesn't evaluate human error as a factor in design testing manufactured maintenance and operation; number thirteen, the DOE states, "The dominant accident effect for truck shipments is crushed rather than impacted," but there is not a required crush test; number fourteen, hospitals need more training and equipment to deal with contamination; fifteen, emergency units are not given their own radiation monitors or taught how to use the monitors in trucks.

Sixteen, 60 miles between local responders is not close enough; seventeen, we have been told that training has taken place in New Mexico. Yet, Cheryl Lopez, an emergency medical technician of Vaughn, was surprised that there were only enough kits for two emergency workers; eighteen, she also said that if there was an emergency, we call this number and someone will be there in an hour and a half. That is too long. Number nineteen, if there is a broken container that cannot be repaired, everyone has to wait up to two hours until a truck can come to deal with it and take it away; number twenty, there will be around three trucks daily seven days a week, or whatever, 990 trucks annually, driving around America with this deadly waste.

7.3.5-1

7.3.1.1-9
7.3.2.1-1

MR. EIGUREN: I need to ask you to bring it to a close.

MS. TIBBETTS: I have one more sentence. If the TRU waste must be transported, it should be on a special train system, and I'm willing to pay for some of it. Thank you very much for this opportunity.

MR. EIGUREN: Next is Daniel Gibson.

MR. GIBSON: Good morning. I have chosen to focus my remarks on Section 5.4 of the SEIS "Decommissioning and long-term performance." This is one of the SEIS' most important sections, as it evaluates the long-term effects of WIPP on the local environment, including residents near the facility. It is also a very complex section, as many factors play a role in the long-term behavior of the facility. These include brine seepage rates into the underground, gas generation rates of the waste material, closure rates of the rooms, tunnels and shafts, and the effectiveness of seals in the tunnels and shafts.

In general, the SEIS clearly points out that many of these factors are yet unquantified or open to question, review and change. Other factors aren't even brought into the possible release equations or scenarios because of the theoretical nature. Physical factors like the climatic changes which could make the

7.3.2.3-1

7.14-3
7.14-13

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region much wetter and thus speed saturation times. Population figures in the immediate area are also assumed to remain consistent and, thus, radioactive exposure to humans is limited. Such assumptions invalidate this section of the document.

These assumptions and random suppression of potential developments or occurrences make the section worthless as an objective review of all possible scenarios for the future of the site and its contents. The pattern of assumptions and exclusion of certain scenarios becomes evident right from the very start of the section. In its introduction the SEIS states, "Calculations of long-term consequences are based on current technologies, social patterns, agriculture, diets, et cetera, because there is no credible rationale for selecting a likely future among the enumerable possibilities. In effect, the SEIS uses the present era to illustrate a possible future."

If this document is supposed to look at the best- and worst-case scenarios, then surely there is a "credible rationale for designing possible scenarios which take into account change of climate conditions, increased local population and other major parameter changes." In general, the solutions selected for the disposal of these nuclear waste products needs to be

7.14-3
7.14-13

TS-00437, Page 3

assured of success, independent of conditions and factors DOE clearly can't define or quantify.

In describing decommissioning activity in greater detail, the SEIS does note that it will "potentially expose the workers to radiation." But it says the shielding and the extensive decontamination will reduce the exposure to workers. It does not give any details on these exposure levels, the work required in the decommissioning and decontamination steps, the shielding to be used or other critical information, in order to evaluate the dangers involved.

The SEIS states the release scenarios deal only with TRU contact-handled waste. It justifies this by noting that the remote-handled waste gamma emitters have half-lives of 30 years, but remote-handled waste also contains plutonium and other radioactive elements which will remain radioactive for thousands of years. The SEIS also states that the chance of piercing a remote-handled canister are "much more likely" than hitting a contact-handled waste room. This is avoiding the question of potential release rates from a breach of the remote-handled canister. The SEIS should evaluate such a scenario.

In discussing the release scenarios, the SEIS notes that in cases 1-B, 2-B and 2-D potential

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7.12.11-4

7.14-39

7.14-47

TS-00437, Page 4

treatments, engineering modifications are postulated. Treatments and modifications would have a significant effect on potential release rates, most likely reducing them substantially. In light of this, the sentence which immediately follows is false, which says, "Therefore these scenarios predict the undisturbed and disturbed behavior of the repository under respective conditions and under more pessimistic assumptions." Modifications and treatment provide a more optimistic scenario, not pessimistic, given the fact that WIPP has carried forth with these additional safeguards. 7.14-47

Discussing gas generation and migration pathways the SEIS said, "The most probable escape route for gas is through marker bed 139. It is just a short distance below the floor of the storage room. It is a bed of broad extent. It is fractured away from the WIPP underground excavation and has a permeability of ten times greater than that of the solid formation. Marker bed 139 may allow gas to migrate to the bottom of the shafts from where the gas is made by the path upward." Marker bed 139's gas permeability is a very troubling factor. WIPP has not explored this marker bed 139's potential for serving as a needed avenue for brine migration as well. It seems that its permeability and location would make it a natural 7.8.1-1

TS-00437, Page 5

migration pathway for brine, as well as gas. 7.8.1-1

The SEIS states that these release calculations estimate the rate of magnitude of these liquid-born releases "assuming steady-state hydrological pressures and flow rates." This is yet another major assumption. Other portions of the SEIS say many hydrology factors are still unquantified. In light of this, how can SEIS assume steady-state pressures and flow rates? What if pressure and flow increase significantly or are far greater than now estimated? 7.14-6

On page 5-167, the SEIS admits that all the proceeding figures and assurances of low or acceptable rate of releases are no more certain than the suggestion of "a likelihood." WIPP cannot be based on likelihoods. It can only be based on certainty. This section of the SEIS contains few, if any, certainties. Thank you.

MR. EIGUREN: Mr. Gibson, I didn't get your address for the record.

MR. GIBSON: 1672 Cerro Gordo Road, Santa Fe, 87501.

MR. EIGUREN: Thank you. Nancy Childs. I will note for the record that in the event I call a preregistered commentor and they're not here, I will

TS-00438, Page 1

call their name several times later to make sure we don't miss anybody. Sherrie Brody.

MS. BRODY: Good morning. I'm a citizen of the United States and a person who has always believed in the Constitution, voting and the democratic system. Some of most important words ever uttered in relationship to the government are "A government of the people, by the people, for the people." However, the trend I have witnessed in the handling of WIPP by the DOE and some of our elected officials resembles that more like a government, by the government, for the government.

I find the apathy that the DOE has for the safety of the citizens of this country appalling. All over the United States the DOE has criminally violated their responsibility to the people. For example, the most recent at Rocky Flats. Or in South Carolina where between 200 to 400 acres of land are permanently contaminated and useless. But wait, there's more. At the Feed Materials Production Center in Fernald, Ohio, the DOE released hundreds of thousands of pounds of uranium dust into the air, water and soil.

These are criminal acts against the people and everything democracy stands for. My tax dollars help pay for your salary, pay for your projects and

3.2-1

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your mistakes, of which there are many. I can only conclude that you're not doing your job. However, in my opinion, the real crime against democracy is the fact that our Governor Carruthers and other elected officials from southern New Mexico are willing to sell out New Mexico and its people to anyone promising a few jobs in the classic tradition of pork-barrel politics.

Despite overwhelming evidence of detrimental consequences to our health and economy, Carruthers' whole interest is bent to see that the WIPP site opens as soon as possible. He claims that New Mexico is committed to open WIPP. Well, then why isn't the DOE committed to making it safe? And since when does Governor Carruthers think his political opinions are above the law? It is his job to represent the people who elected him, not his own views or necessarily those of the federal government. To say that a contractor who doesn't support WIPP shouldn't work on any other state projects is in complete violation of the citizens' right to freedom of speech. He must think someone died and left him king.

Two hundred years ago people fought for the rights written in the Constitution, the Declaration of Independence and the Bill of Rights. Now that our government is subjecting us to contamination without

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representation, it's time that each of us as citizens make a personal commitment to act or participate in the policy-making process. And we need people in office who are committed to a government for the people. All of us must work to keep democracy alive and well. Thank you. I don't think I gave my address.

MR. EIGUREN: You didn't.

MS. BRODY: P.O. Box 483, Tesuque, New Mexico.

MR. EIGUREN: Thank you. Our next scheduled commentor is Michael Kauffman. I want to thank all of you for coming out so early this morning. We appreciate it.

MR. KAUFFMAN: Good morning. My address is P.O. Box 2124, Santa Fe, New Mexico, 87504. I'm an attorney in private practice in Santa Fe. I'd like to address what I consider a very serious flaw in the way the DOE and its contractors do business. What I'm speaking about is a total lack of requirement of responsibility to the public for damages that are caused to the public by negligent or, even worse, intentional acts which cause harm to health and property.

Before I talk about this, I just would like the record to reflect that I'm opposed to the opening of WIPP as it presently exists. We need meaningful

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safety regulations, at least those that are required and administered by the EPA. We need transportation routes that are not hazardous. The present ones are not fit to transport the wastes that are proposed. We need TRUPACT containers that need further testing, at least certified by the NRC. And we need a land withdrawal bill that goes through Congress, not some cozy administrative proceeding.

As you've already heard, the SEIS report inadequately addresses the human factors that will cause accidents if this project is put into action. By lobbying for such bills, such as the Price-Anderson Act, the DOE has avoided for itself and for its contractors the liability that it should have for accidents and damages caused to the public. The recent events that we have seen point out the following of this policy: The contamination at Hanford and Savannah River, not to mention the drama unfolding at Rocky Flats, afford ample proof that this policy does not work.

One of the basic tenets of our civil law is that persons or corporations in the best position to prevent harm ought to be responsible if harm occurs, and the DOE and its corporations are avoiding that responsibility. The public cannot get insurance

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3.1-5

coverage if they are damaged by your actions. Insurance policies that I reviewed, including automobile, homeowners, commercial policies, and even some health insurance policies exclude damages that are caused by acts of war, acts of God or nuclear contamination caused by nuclear accidents. I, for one, am not willing to elevate the level of Westinghouse and DOE to the level of God when it comes to avoiding liability.

One of the greatest benefits of the changing of this policy would be this: that legal responsibility leads to responsible actions. Under the present policy, Westinghouse and Rockwell and other corporations that do business with you benefit from their own nagligent acts. They contaminate the earth by their negligence, and then taxpayers of this country have to pay them to clean up their waste. If Ford Motor Company can be sued because their Pinto's gas tanks explode on collision and cause fires, why shouldn't the DOE be liable if its TRUPACT containers rupture and contaminate property and injure people? If a supermarket is liable for someone slipping and falling on water leaking from a faulty cooler, Westinghouse better be liable for its leaking storage containers. If a gas station owner is liable for

3.1-5

contaminating his neighbor's property by a leaking underground gas tank, than the DOE and Westinghouse ought to absolutely be response for the contamination caused by their leaking nuclear garbage dump.

Gentlemen, I want to leave you with this final thought. I know you'll think about it the next time the situation arrives. The next time you're on an airplane and you've settled in and you're ready to take off and you've buckled up your seatbelt and checked out where the nearest exit is, I want you to think about this: Would you be on that airplane if the airline was not responsible for the maintenance done by its own mechanics? Would you fly if you knew if that plane crashed and you were killed that that airline would not be responsible for your death? I don't think you would accept that risk. And neither should we, the people of New Mexico or America, accept the risk that you're forcing upon us. You must change this policy. Thank you.

MR. EIGUREN: Thank you, Mr. Kauffman. Next call Randy Freeman.

MS. FREEMAN: My name is Pat Freeman, and I'm here to testify on behalf of my husband who is at home with our sick daughter this morning.

MR. EIGUREN: That's fine. Thank you.

3.1-5

MS. FREEMAN: My name is Pat Freeman. My address is Rural Route 7, Box 111-E, Santa Fe, New Mexico, 87505. I am the mother of two daughters. I'm also the owner of a retail store in Santa Fe, and I'm proud to be a member of Businesses Against WIPP. Rather than reiterate the numerous defects in the Supplemental EIS which, frankly, isn't worth the paper it's printed on, I would like to tell you why I'm personally against the Waste Isolation Pilot Plant. 1-2

To put it succinctly, I don't trust the DOE. They have covered up. They have mismanaged and they have lied to the people of Colorado, Idaho, Washington, Ohio, Tennessee and South Carolina. So why will it be any different here? DOE and its predecessors have created disastrous messes at Rocky Flats, Hanford and elsewhere. And now they want us to help them pretend they're cleaning them up. We all know that WIPP is no solution to their waste problems. It will only make matters worse. Shipping thousands of truckloads of radioactive waste over our nation's highways from one unsafe temporary dump site to another unsafe temporary dump site is sheer lunacy. It's also an enormous waste of the taxpayer dollars. 3.2-1

What DOE should be doing is cleaning up existing dump sites. And once those messes are cleaned 3.8-2 5.2-1 5.2-2 5.3-1 9-2

up and properly contained, they should be kept on site until a safe permanent repository is found. If and when a safe permanent place is found, the wastes should then be shipped only by specially constructed designated railways, not on the highways, not through downtown Santa Fe. 3.6-2 5.2-1 5.2-2 5.3-1 7.3.2.3-1

We in Santa Fe have a great deal at risk if this ill-conceived project ever becomes reality. Santa Fe will be playing Russian Roulette with its future every time a waste truck rolls through town. The economic and environmental consequences of an accident here would be devastating. Why does DOE continue to shove this down our throats, when it knows the people don't want it? 7.2-5 7.3.3-3 7.3.5.1-12 7.15.4-2 3.1-8

If only DOE would listen to the common sense of the people just once, they could learn a great deal. But all they have tried to do so far is squelch public input, restrict how long we can speak, divide us up into different rooms so we can't hear each other's voices, dilute and diffuse the power and impact of what we're trying to say. 8-7

For DOE this public hearing must be a real pain, a formality it has to endure. They have already made up their minds. The technocrats and the bureaucrats know there is overwhelming public 3.1-8

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opposition to WIPP, but they simply don't care. All they care about is political expediency, the fast track and finding the path of least political resistance. Well, gentlemen, you won't find that path here. Thank you.

MR. EIGUREN: The next scheduled commentor is Gregory Towle. I'll note again for the record, as I call these names and don't get a response, I'll call them later during the hearing to make sure we have not missed anyone.

MR. TOWLE: James Towle.

MR. EIGUREN: Excuse me.

MR. TOWLE: My name is James Towle. My address is 3204 Siringo Road, Santa Fe, New Mexico, 87505. Good morning. I would like to thank all of you for this opportunity to speak at these hearings today. First, I would like to address the fact that we -- and I mean the people of the world -- have a responsibility to stop building nuclear bombs. Besides it being an immoral occupation, the task of inventing more efficient ways of murdering millions of lives, we already have more radioactive waste than we can deal with.

Even if WIPP opens as planned, it will only hold 18 percent of our defense-generated waste, the

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TS-00441, Page 2

byproduct of building nuclear weapons. That figure does not include the radioactive wastes produced by the commercial industry which produces nuclear power. In fact, if we are to contain all the radioactive wastes in the United States today, our government would have to build a minimum of 99 identical WIPP sites. Where are all of these facilities going to be located? And by the time that many more storage facilities are built, we will have generated more nuclear waste. You see that WIPP is not the final answer.

The fact that we as a people are scrambling to find a solution to our ever-growing defense waste problem reminds me of a recent bumper sticker that I saw. The bumper sticker went something like this: The USA has 240,000 nuclear bombs. The USSR has 240,000 nuclear bombs. Do you feel safe yet? Why do we need enough bombs to destroy our planet 100 times over?

To me the solution is a two-fold process. First, stop the manufacture the nuclear waste. Second, research a method of neutralizing that waste. If we as a nation could only invest a portion of our enormous defense budget to research this subject, I have no doubt that the problem would be resolved in a matter of a couple years. We will never be safe from the

2.2-1

3.6-1

5.3-1

radioactivity, as long as it is on this earth.

The Department of Energy has developed a TRUPACT container for the transportation of the waste, which they feel is a safe container. The truth is that the container, its radioactivity -- there is no substance on earth that can completely shield radioactivity. Concrete lead will slow the emission of the radiation, but will not halt it completely. Medical science has informed us that any dose of radiation has ill-effects. We now know that very small amounts of radiation over a period of time can be lethal, and if not lethal or harmful to us it, more often than not, affects the reproductive system, resulting in birth defects or worse. We know for a fact that infant mortality has gone up tremendously in every case where there has been a substantial radioactive leak.

The fact that the waste is going to be underground only delays the escape of harmful radiation. It might not happen in my lifetime, but we, as people, are responsible for all generations that will come. The harmful effects will last for 240,000 years. Man, in his present technology, cannot build a container out of any material that will last even half as long as radiation will be harmful. The fact that

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7.14-5

we're going to bury the waste only puts the harmful effects out of sight and out of mind, at least for a short while. I don't want WIPP to open. I don't want WIPP to open because it is in my state. I don't want it to open because the world will have to put off a nuclear nightmare by burying all waste in dark holes and giving it to generations not even thought of yet. Thank you.

MR. EIGUREN: Thank you. Barbara Towle.

MS. TOWLE: Good morning. What a way to start the day. My name is Barbara Towle. I live at 3204 Siringo Road, Santa Fe, New Mexico, 87505. My intelligence supports 95 percent of the testimony I heard yesterday and this morning. New Mexico is a beautiful place with clean air in the majority of state. We have some problems with our water, but we don't want nuclear problems with nuclear waste.

At Los Alamos Laboratories they have made a major breakthrough in the recycling of plutonium through gypsum weed, commonly known as "loco weed." Everyone thinks I'm crazy when I mention it but, really, I'm not. KOB-TV Channel 4 broadcast the news on it on May 1, 1989, and the Albuquerque Tribune ran an article about it on May 15. There is another plant they have found that will deal with other hazardous

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7.15.3-11

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waste. More information can be had from Jim Schwartz, public relations, Los Alamos Laboratories. We ask that the waste should be kept where it is until it can be recycled. 7.15.3-11 5.3-1

More money should be funded to Los Alamos Laboratories specifically for this project. Keep the bombs DOE wants to store in the caverns, stop the production. Give the jobs and money of this industry to develop solar and wind energy, methanol and electric cars. I'm strongly opposed to all this explosive waste being in one spot. Has the national defense thought of protection from terrorism? That's it. I would also like to submit this art piece. It says, "And it shall be done unto you as you believe." 3.6-1 9-3 7.12.7-1

MR. EIGUREN: We will mark that as an exhibit. I'm not sure exactly how we will get it in the record. We will mark the art piece as Exhibit 347, and we will mark as Exhibit 346 the written comments of Barbara Towle. We'd next call Guy Fritzlan.

(Exhibits 346 and 347 marked.)

MR. FRITZLAN: Good morning. My name is Guy Fritzlan. My address is 996 Paseo del Sur, Santa Fe, 87501. I am a Santa Fe business owner. I have a daughter who goes to school several blocks from the proposed WIPP route. This summer my daughter 7.3.3-3 7.3.5.1-12 7.3.5.2-4 7.15.4-2

TS-00443, Page 2

turned 16, and as a beginning driver she will be traveling to school on the same street as the trucks containing nuclear waste. This horrifies me. I cannot let this happen. But what are my choices? 7.3.3-3 7.3.5.2-4 7.15.4-2

Do I transfer her to another school? No. There is no other school in our district. My only choice is to come here before you to remind you of the insanity of trucking nuclear waste through cities. In the DOE's original Final Environmental Impact Statement of 1980, page 618 and page 619, 75 percent of these shipments were to be by rail and 25 percent by truck.

The DOE's own calculations showed that fewer facilities and less radiation release would result if the DOE were to maximize shipments by rail. Now in the final -- in the Draft SEIS, page 314, the decision is to ship 100 percent by truck. Why is the DOE not using the safest method of transport? 7.3.2-4

The DOE has contracted the Dawn Trucking Company of Farmington, New Mexico, because they were the lowest bidder. However, this trucking firm has no prior experience transporting nuclear waste on public highways. In addition, this firm does not employ union drivers. Such firms tend to have significantly less protection for their drivers, in the event that a driver may seek to object to unsafe working conditions. 7.3.2.1-4

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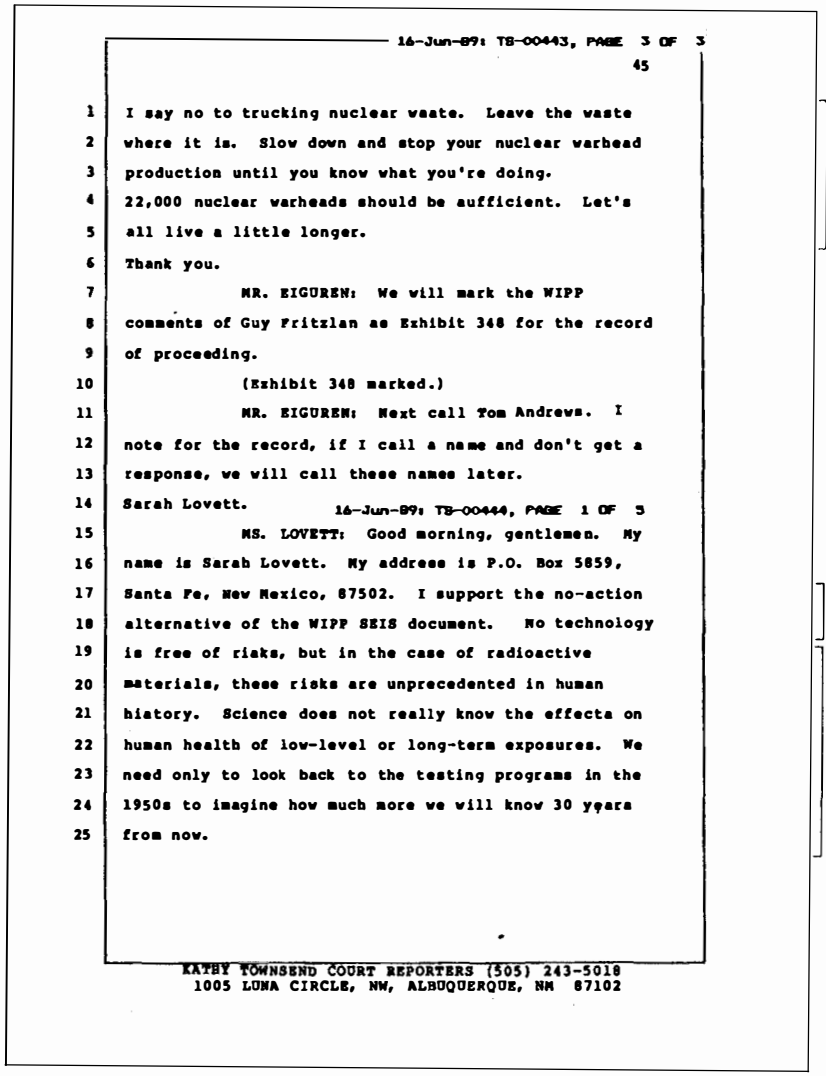

I say no to trucking nuclear waste. Leave the waste where it is. Slow down and stop your nuclear warhead production until you know what you're doing. 22,000 nuclear warheads should be sufficient. Let's all live a little longer.

Thank you.

MR. EIGUREN: We will mark the WIPP comments of Guy Fritzlan as Exhibit 348 for the record of proceeding.

(Exhibit 348 marked.)

MR. EIGUREN: Next call Tom Andrews. I note for the record, if I call a name and don't get a response, we will call these names later. Sarah Lovett.

MS. LOVETT: Good morning, gentlemen. My name is Sarah Lovett. My address is P.O. Box 5859, Santa Fe, New Mexico, 87502. I support the no-action alternative of the WIPP SEIS document. No technology is free of risks, but in the case of radioactive materials, these risks are unprecedented in human history. Science does not really know the effects on human health of low-level or long-term exposures. We need only to look back to the testing programs in the 1950s to imagine how much more we will know 30 years from now.

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7.13.3-1

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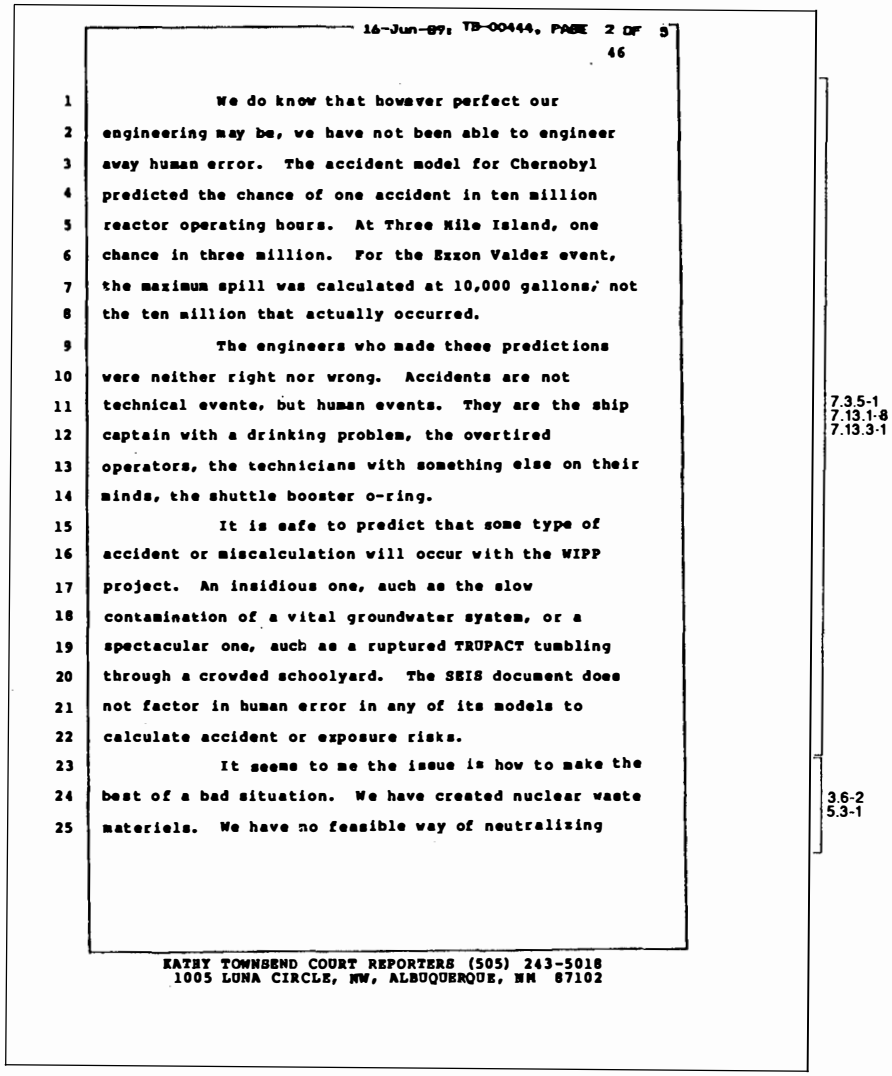

We do know that however perfect our engineering may be, we have not been able to engineer away human error. The accident model for Chernobyl predicted the chance of one accident in ten million reactor operating hours. At Three Mile Island, one chance in three million. For the Exxon Valdez event, the maximum spill was calculated at 10,000 gallons, not the ten million that actually occurred.

The engineers who made these predictions were neither right nor wrong. Accidents are not technical events, but human events. They are the ship captain with a drinking problem, the overtired operators, the technicians with something else on their minds, the shuttle booster o-ring.

It is safe to predict that some type of accident or miscalculation will occur with the WIPP project. An insidious one, such as the slow contamination of a vital groundwater system, or a spectacular one, such as a ruptured TRUPACT tumbling through a crowded schoolyard. The SEIS document does not factor in human error in any of its models to calculate accident or exposure risks.

It seems to me the issue is how to make the best of a bad situation. We have created nuclear waste materials. We have no feasible way of neutralizing

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7.13.1-8
7.13.3-1

3.6-2
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TS-00444, Page 3

them. Now we have to make a decision how to safely store them within the limits of present technology.

To commission WIPP is the wrong decision. The project combines both the greatest short-term risk, transporting materials through populated areas, and the greatest long-term risk, putting the material in an environment difficult to visually monitor, retrieve from and maintain. 3.6-2 5.3-1

SEIS alternative three is the most feasible solution: to continue to store the materials in state-of-the-art containers in surface facilities at the present sites. The single greatest technical imperative is the development of safer and safer engineered surface containers, not experimentation with transport systems and unpredictable geological structures. 1-2

The key value of alternative three is that we will not take the appalling and unnecessary risks of moving the materials from one unsatisfactory location to another. The risk of human error will always be with us, but we reduce those risks immeasurably by employing the simplest solution. 7.14-2

There are far too many doubts about WIPP to go forward with the project. New Mexico is unprepared to deal with a transport contamination accident. First 7.12.9-1 7.12.9-2

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responders -- those primary people called to the scene of an accident -- legally are required to respond. The DOE has given assurances of a detailed emergency response plan. There are still human factors to consider. One emergency medical technician who is a member of a local fire department and a first responder told me, "I probably would not go if I knew it was a hazardous material accident, even though I'm required by law."

We have heard the testimony from health officials about the lack of equipment and facilities to handle radioactive contamination. Only two New Mexico hospitals, Roswell and Carlsbad, have been provided with the appropriate equipment. St. Vincent's Hospital in Santa Fe will use a utility closet to hose down accident victims. The closet was not designed for this purpose. It does not have a separate water drainage system necessary to contain radiation. Victims will walk from this closet across the hall in plastic baggies to a room designed for orthopedics. 7.12.9-1 7.12.9-2 7.12.9-3 7.12.9-5 7.12.9-7

Both the chief executive officer of St. Vincent's and the medical director of the emergency room have expressed private doubts about the hospital's ability to handle accidents with major toxins. One emergency room physician was blunt with it, "If there

was a leak and more than two people were contaminated, we would be floundering. We would be groping like pigs in mud."

The first order of public business for the DOE, I believe, is to clean up and restore its existing storage facilities and prove that the department and its contractors can safely maintain isolated waste on the surface for one lifetime, before it attempts below ground storage for 3,243 lifetimes.

In the end, there may be no satisfactory technical solution at all, but only a human one: to stop spending our limited resources on nuclear weapons and nuclear-generated electricity and start investing in energy conservation and nuclear disarmament. I believe what appears to be negative resistance to WIPP in New Mexico is really the positive vision of those hopes around the world. Thank you very much.

MR. EIGUREN: Ladies and gentlemen, we're running slightly ahead of schedule. What I'm going to do is go back to the top of our preescheduled commentor list and call the names of individuals whose names I called earlier to make sure I haven't missed anybody. Nancy Childs? I understand Nancy has canceled her appearance this morning. Gregory Towle? Tom Andrews? We have one at-the-door registered

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commentor who came in at seven, and I think we will take this individual now and we will go back to our preregistered list. Consuelo Lux Arostequi.

MS. AROSTEQUI: My name is Consuelo Lux Arostequi. My address is 207 Montoya Street, Santa Fe, 87501. I am president of the Hispanic Radio Network, the national syndicator and producer of Spanish radio programming based in Santa Fe. Why the unfortunate lack of participation by New Mexico Spanish at the DOE hearings is because the New Mexico Hispanic community has not been properly informed about WIPP. There has been no outreach to the Spanish.

As an Hispanic, I protest the fact that the supplement to the Environmental Impact Statement was not issued in Spanish. The New Mexico State Constitution specifically requires that all materials published by governmental entities and all materials related to elections and issues of public debate be published in Spanish and, as well, in English. This is a civil rights issue.

Since you did not publish this report in Spanish, I conclude the DOE deliberately chose New Mexico for the WIPP project because of New Mexico's large Hispanic population. New Mexico is the only

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atate in the nation where Hispanic land ownership i# substantial. It's the only state in the nation where Hispanics are land-based political antities. Could this fact have influenced the DOE's political decisaion to make New Mexico a national sacrifice area, or is it a racist decision in order to take the public relationa advantage of a possible perception among Americans of New Mexico aa a quaint, backward state of Hispanics and Indians and, therefore, dispensible?

I propose the government provide a Spanish veraion of a new Environmental Impact Statement that ahould, by law, include all results of studies by all independent scientific groups. In talking to a 70-year-old Hispanic woman the other day about WIPP who doesn't speak much English, what she had to say about the arms buildup that is creating all this nuclear garbage was an old Spanish saying: (Said in Spanish) "A little is good. A few weapons are good. But too much spoils the food."

But everything has a positive side. Let us see this conflict as an opportunity, a magnificent opportunity for a complete reevaluation of the nuclear industry. It is time. Why is our government subsidizing the disposal of nuclear waste generated by privately opened commercial power plants? Why doesn't

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the DOE focus its funds and resources on the promotion of benign, renewable energy sources such as solar power and energy conservation? It appears that solar power gets less than one percent of the funding and liability load that nuclear power gets.

I live on the WIPP route. SEIS' depiction of a worst-case accident is misleading. It describes an accident involving low-level waste. It fails to take into account the high-level waste which will make up 20 percent of WIPP shipments. And what if low-level plutonium waste catches fire in an accident? It will spread far and wide.

I heard testimony here, testimony that the projections are that property along the WIPP route will drop in value 20 to 30 percent when the waste starts coming. I heard there was going to be a truckload every 90 minutes for many years. Therefore, I am formally requesting that the U. S. Department of Energy set aside $30,000 to indemnify me for the loss and value of my property caused by the DOE's failure to construct a bypass. I demand formal notification and and documents from the DOE indemnifying me against the above-stated law for real estate values, or I shall file suit in Federal Court seeking the same.

And I caution the DOE that WIPP will result in the

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filing of hundreds of thousands of lawsuits from other property owners in the 23 states of property adjacent to WIPP routes, and that it would be far more prudent for the DOE to explore other alternatives such as the railway.

Music has been used throughout the ages as a universal language, a sacred language that passes through the heart via song. The mind without the heart has created a world of violence and the degradation of humans and the environment. The heart desperately needs to catch up with the mind, if we are to save our race and battered earth.

I wrote a song referring to WIPP several years ago. With due respect, I would like to end with a short excerpt of it as a message through the heart that the power of love and compassion, of caring in all of our hearts is what will emerge notorious shining on a healed and glorious earth. (Sung in Spanish and translated in English) "And the wind sings to us. And the earth is frightened. They want to bury their poison in our piece of earth. With the people I have faith that the souls will overcome greed and lies. Because although I see it all, I still believe in the ultimate power of love." Thank you.

MR. EIGUREN: I would request if any of you

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do have your statements in writing, we would like to receive them as an exhibit for the record.

MR. BICKEL: Roy, I would like to make a correction for the record.

MR. EIGUREN: This is Mr. Bickel.

MR. BICKEL: Yesterday we did hear the statement there would be a shipment every 90 minutes down the WIPP site. That number is not correct. I realize it doesn't change a lot of people's views. But, for the record, I would like to get the right number that we're talking about. When we do start shipping from Los Alamos, we're looking at approximately two shipments per week down 285. Where we get to the Lamy bypass and cutoff, from there we're talking about, in steady-state operation, about three shipments every 24 hours.

MR. EIGUREN: The next scheduled commentor is Mary Schultz.

MS. SCHULTZ: Good morning. I am Mary Schultz. My address is 172 Galisteo Lane, Santa Fe, 87501.

MR. EIGUREN: Thank you, Mary.

MS. SCHULTZ: I am profoundly appreciative to be able to have my expression of love of life as part of the public record of this hearing. For the

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past 40 years, I have wondered why any country would want to continue to build defense systems. It seems that we've created the ultimate weapon, we've realized the ultimate devastation, and now we are stuck with the ultimate residue -- radioactive air, land and water.

As those before us taught us by their example, we have continued to teach our children, by our example, to be afraid, untrusting, destructive, disrespectful, greedy and manipulative. We build defense systems to protect ourselves from people that we are taught to be afraid of. At the same time we are developing more travel, more trade and more friendships with these same people. We are sharing more of our common bonds on every level of the arts, business, medicine and science. With the friendship and trade developing all over the globe, can we recognize that the problem we have is the same problem of every nation now? Some of us do still die directly from war, but many more of us are dying from the effects of preparing for war. Preparing for war is killing us.

All of the ingredients that go into the building of nuclear weapons create problems for us and for our earth. The entire nuclear cycle continues to be a hazard to our health and well-being. The contamination of our earth home is clearly the common

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bond of the people of the planet at this time. It is not just New Mexico's problem. It is not just WIPP that is a problem. The problem is our attitude to think that we should continue to produce anything that harms life now or anytime in the future. It is our attitude. It is how we think about things that not only we, but our children, get to live with.

We are here today because of the thinking that was taking place 45 years ago. We are dealing with the effects created by the attitudes of our parents. The causes of these problems have to be before the effects can be cured. Many of us were children 40 years ago. We are now the decision-makers. Will we decide to protect and restore the planet so that our children and their children will have a healthy place to live? With our wisdom, what choices are we making to benefit future generations? That is the beauty of this hearing. I have an opportunity to say that I ask that we decide to seek trust, cooperation, more dialogue, more friendships, more relationships with all of the people of this earth and home.

I ask that the DOE in cooperation with the EPA create a project of the intensity and the urgency of the Manhattan project in Los Alamos 45 years ago,

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perhaps called Manhattan II. It would do three things: A, develop nontoxic materials for everyday life; B, develop methods to detoxify land, water and air; C, develop methods to detoxify or transmute radioactive waste. I ask that all waste now in storage be kept where it is, not moved around. I ask President Bush to call an international environmental committee, calling the scientists, educators, business leaders and politicians from all of the countries together to face truthfully and without blame our common problem. We are just a group of people on a very small planet.

And since it is the only place that we know of to live, it is time that we repair, restore and regenerate its life-providing capacity. This earth was designed for life. This is the garden and we are the caretakers. What the world longs for is a spiritual awakening which is not religious. What the world longs for is a feeling of fulfillment beyond personal gain. What the world longs for is peace, which has nothing to do with preparing for war. What the world longs for is the opportunity to live life joyfully, free of fear, in harmony. I ask that we decide politically now to turn every program, every agency toward the health and well-being of the planet and to all of its inhabitants. Love the earth and each other. Thank you.

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MR. EIGUREN: Thank you. I would like to include in the written record two additional exhibits, statement of Consuelo Lus Aroatequi is Exhibit 349.

(Exhibit 349 marked.)

MR. EIGUREN: The written comments of Sarah Lovatt be Exhibit 350. 16-Jun-09: TS-00447, PAGE 1 OF 6

(Exhibit 350 marked.)

MR. EIGUREN: Sasha Pyle.

MS. PYLE: Good morning.

MR. EIGUREN: Good Morning.

MS. PYLE: As I told you yesterday, my address is 1672 Cerro Gordo Road. My name is Sasha Pyle. I am here this morning not as a representative of a group, but as an individual, to talk about ability or lack thereof of the WIPP site to adequately contain waste. This is a 240,000-year issue by logic, and at least a 10,000-year issue by law.

I would like to thank the DOE for spurring my interest in hydrology, which I have never known anything about before. And, of course, I am an amateur on the subject. An amateur is somebody who does something for love. That gives an amateur both more and less credibility than a person who does it for a paycheck.

I would like to address my remarks, of

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course, to the panel, but specifically to Mr. Bickel, with whom I appeared on a cable television talk show in Los Alamos a few months ago, and I remember the conviction with which he stated at that time that brine is not a problem at WIPP. Then I noticed in the newspaper article that carried the headline "Agency Hid WIPP Crack Data," that Mr. Bickel was quoted as saying, "Cracks are not a problem at WIPP." I have also seen Mr. Bickel quoted as saying that karst is a nonproblem at WIPP. I'm tremendously interested in all these problems that aren't problems. If, perhaps, Mr. Bickel had read the entire SEIS over and over again, as I have, he would know that the document itself admits these problems are, in fact, problems.

Now, I agree that brine is not a problem at WIPP. I think that brine is a constellation of interrelated and very troubling problems at WIPP, each one of which invalidates the SEIS as a legal document and casts doubt on the nuclear sites to contain waste. First of all, we now know that the source of the seepage into the site is intragranular brine. It wasn't even identified in the 1980, supposedly, Final Environmental Impact Statement.

The brine inflow has not been determined. The rates of it have not been determined. The SEIS

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admits that mine ventilation is drying up the visible effects of the brine seepage at this time. It also says that steady-state flow conditions may be determined only from many years of observation. This is illegal segmentation under NEPA, because this document should fully address the environmental impacts now.

The document admits or concedes that a fully saturated repository within a fairly short period of time is, indeed, a possibility. The need to quantify the amount of brine flow -- one of the needs to quantify that flow is to determine the gas generation. Since in the 1985's the porosity or gas dissipation potential of the formation was overestimated by 10,000 times, we now know that we have a situation where gas is going to build up to lithostatic pressures quite a bit more quickly than was thought then.

Of course, the saturated facility is going to result fairly quickly in corrosion through of the metal containers and a sort of slurry be formed from decomposing organic materials and chemical and radioactive waste and brine all mixed together. The age and origin of brine is not known. The exact composition of brine is not known. We have a statement

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in the SEIS that says, "The thrust for hydrology is transient on a 10,000-year time scale," which also confirms the fact that hydrogeologic shifts do occur and that we can't predict them, particularly in light of any climatic changes that might occur or seismic changes.

The dissolution which results in caves and sink holes and fractures is not fully characterized. There's also a highly pressurized brine reservoir right below the site. The repository was moved in 1981 to get away from the reservoir when it was punctured and millions of gallons of brine flowed to the surface creating a small lake. The repository was moved, allegedly, to get away from that brine reservoir. We still have the same problem. DOE's WIPP twelve report states that we have 17 million barrels or nearly 600 million gallons of highly pressurized brine being disposed in the area which underlies between 40 to 100 percent of its disposal area.

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At some point in the future when people are doing exploration for minerals or gas or oil or water, they are very likely to look in this area because it's rich in minerals. The markers which DOE plans to place around the site to warn people away are certainly not going to be enough to keep people off the site. The

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EPA predicts 4.2 human intrusion-induced "work hauls" over a 10,000-year control period, and yet states that we can rely on institutional prevention of those for only 100 years. DOE hasn't mentioned how it plans to address the possibility of the other 9,900 years in trying to protect the site from human intrusions in the area. Is this not a problem because we won't be alive in this period after 100 years? Or is this not a problem for some other reason? I don't understand why this is not a problem.

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Also, karst is a nonproblem. And I think that's very interesting because the WIPP site has been identified as being one of the major karst lands in the United States. This report, EEG 32, has been out since 1985 and it certainly has a definitive study of karst by Larry Barrows in it. It's very interesting reading. It's not too late to take a look at it. Shallow groundwater flow is highly irregular in both time and space where karst conditions occur. And the SEIS inadequately addresses --

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MR. EIGUREN: You'll have to bring your speech to a close.

MS. PYLE: Okay, I will. I have a lot more to say about karst, but I'll let it go for my written comments which will be exhaustive on the subject.

There's lots of other site criteria that are not fully evaluated and a lot of assumptions. I guess basically my question is, since the more we know about the site the less suitable it appears it is to contain waste, I would like to know why that's not a problem. And I would just basically like to ask Mr. Bickel: What is a problem? What constitutes a problem? If a seven-month pregnant woman stands in front of you and says, "I have taken a year of my life to learn about karst, I think it's a problem," does that make it a problem? Or does somebody have to open a 55-gallon drum of waste and dump it on that table before it's a problem? Thank you.

MR. EIGUREN: We have been in session approximately 90 minutes. It's been our practice to take a five-minute recess every 90 minutes, so we will be in recess until 8:40.

(Recess.)

MR. EIGUREN: We will now come back to order. It is 8:47 AM, the 16th day of June, 1989. This is a public hearing being held in Santa Fe, New Mexico. We're receiving public comment on the Draft Supplemental Environmental Impact Statement for the WIPP project for the Department of Energy. Prior to taking recess, we had gone to the 91st commentor on

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our witness list. We will now resume to receive the public comment of the members of the public who are preregistered to speak here at this public hearing.

I'll once again remind our commentors that each of you has five minutes within which to provide comment for the record. When I call your name, would you please step forward to the podium, give us your name and address, and then I will go ahead and begin timing you for five minutes. At four minutes, the green light goes on; at five minutes, the red light goes on. I'm asking that once you see the red light go on if you would please start bringing your comments to closure. I'll indicate once again for the record that written comment, as well as oral comment, will receive the same consideration and will receive the same weight in the record of this proceeding.

Accordingly, if you do have written comment with you today, we would very much appreciate receiving it. We will mark it as an exhibit and include it in the record. To the extent that you don't have written comment, you may do so by mailing it to an address that we will provide to you at the registration table outside this hearing room. The close of comment for this proceeding is the 11th day of July, 1989.

We will now, once again, resume our receipt

of public comment and preregistered speakers. Barbara Blankenship. I will note for the record, in the event that I call a name and we don't have a response, I will call these names later during our public hearing. Carol Taschel.

MS. TASCHEL: My name is Carol Taschel. My address is Box 9420, Santa Fe, 87504.

MR. EIGUREN: Thank you.

MS. TASCHEL: Radiation contamination is but one link in a chain of destructive practices which are threatening the fabric of our existence. Each link in this chain is so crucially important that we cannot just turn the care of our earth over to our politicians or the DOE, or hope that God will somehow take care of things.

People, we are it. We must take very seriously our citizenship in our fledgling global village, nurture our visions and find our voices. This is the most crucial time for life on this planet. We all have a part to play in making sure our ecological renewal does not fail.

Women, your voice can be especially powerful in this effort. Whether woman have children or not, we have the great mother inside our very cells. We can hear clearly the cries of the earth, cringing as

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deadly poisons seep into her skin, which is also our skin.

So what do we do with all the nuclear poo-poo we've created? It's true we have an enormous problem. It's also true we have an enormous wealth of scientific brilliance.

Scientists, you are facing a moral imperative. If you feel in bondage to our government, free yourself for life's sake. You can create alternatives to geologic disposal of our nuclear waste. Stopping production of new waste is an integral part of the solution to our problems. But the DOE claims a delay in WIPP's opening would create national security problems.

National security. Magic words invoked so often to justify activities that seem to be sucking the very lifeblood out of not only our environment, but our economy and our national soul. I have heard many people say, "I think we need a few more cataclysms before people will wake up." A friend wonders how he can pass this devastated planet down to his children. How he can give them hope for their future. Whether they will have decent water to drink. I wake up crying from a dream of a small, delicate silver fox with blue eyes, steadily, quietly looking at me, pleading for me

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to fight for its survival. Its web of existence is threatened and its life support systems are breaking down.

This sounds to me like national insecurity. We must build instead global security, optimum conditions for life to thrive and evolve, built on ecological wisdom and social responsibility.

DOE, I have a message for your employees. Please go take a long walk in our forests, gaze at our magnificent skies. Sit by a stream. See all those plants there? Many of us use them as our medicines. Close your eyes. Listen to the birds singing, to the wind in the trees. Breathe the fresh, clean air. See if there isn't a small place that begins to stir and open in your heart which cherishes all this beauty, this wholeness, this balance which is called ecology. Allow this stirring in your heart to percolate through your body and make its way to your mind. You have loved ones, perhaps grandchildren. They will not be immune to a damaged environment, as you will not be. We are not separate. We are all interconnected. Let us all cooperate together to find the solutions to our problems. Thank you.

MR. EIGUREN: The written comments of Carol Taschel will be Exhibit 351.

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(Exhibit 351 marked.)

MR. EIGUREN: Next call Tony Adomaitis. I apologize if I mispronounced your last name.

MR. ADOMAITIS: For the record, my name is Tony Adomaitis, that's A-d-o-m-a-i-t-i-s. My address is 2314 Los Pinos, Santa Fe, New Mexico, 87505. I want to preface my comments by saying they're not directed at you gentlemen, or at the DOE, because you people are not responsible for what they're doing, and you don't understand the nature or the implications of the actions that you take.

I am speaking for unborn generations. I am speaking for this room which should be filled with the children of 30, 40, 50 years old that are asleep this morning. They're not here because they have been sleeping most of their lives. However, a few of us, the people in this room, are awake. We are alive. And we intend not to let this planet go through what some of the people in this country have in mind for it. I am speaking to not the DOE or the American government. I am speaking to the unknown, unnamed agencies who have agendas that are hidden, whose names are spoken in quiet whispers, who have destroyed and mutilated this planet for centuries. My people, the smaller groups of people that are on this planet, will not allow this

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action to go on.

As speaking for the unborn generations, I do not wish to allow a planet to be handed down which is tortured, which is left with no minerals, no survival, no food. What is being consecrated here, WIPP, as far as I'm concerned will never go through, is nothing less than a multiple rape of a planet which your own science, until this very date and minute, is proving more and more every day is not just a planet, it is a biosphere, it is an ecological system. It's really a sense of being.

This planet will not sit still for people that walk upon it for this kind of treatment. Year by year it's shown you in small ways that it's slowly losing patience with the children which tread upon its ground. It has been very nice and very pleasant to us for millions of years. It is time to put e stop to this action. Now violence will not do it. Violence will not be tolerated either by pro or anti groups. But the planet has a sense and the planet knows what its needs are.

So my voice here today is not to spiel off a list of technical terms. I have worked on nuclear weapons. I know what this is all about. That's not it. There are other people here to do that. I'm here

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to take a few moments of your time and address the people who will see and hear these comments at a later date. My brothers and sisters who have come here today know who I am, and they know why I am here. I trust in their help, and I also trust in the fact that you gentleman, too, will one day wake up and realize exactly what you are doing, before it's too late.

As it is, if all of us as a group continue to go in this course of action, it will not be tolerated. I'm merely trying to provide a little bit of a light in the lantern before it's too late. So I would like you to take a moment of silence, and if we could all just think for a second of exactly what this is all about here. It is not about media and it's not about what's going to be in the paper tomorrow morning about what anybody said. (Silence.)

The world is aware of what's going on, and the few of us that are here to defend this planet will do so. Let us hope that we can all work together, all races, all sexes and all belief systems. Because what lies ahead has happened before. This isn't the first time. And it's not a pretty sight. And you people, when you hear these comments with your hidden agendas, understand that you're not hidden. There are people who know exactly what your intentions are. And there

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are other mediums that are on this planet that we can't even see or hear or sense. Good luck to you all.

MR. EIGUREN: Next call Jill Adomaitis.

MR. ADOMAITIS: Good morning. My name is Jill Adomaitis, 2314 La Senda, Santa Fe, 87505. I don't have any written speech prepared for you all this morning. I thought I would just come up here and speak and thank two specific groups that really haven't been thanked. You have heard a lot about the problems that are going on, hidden agendas, the information that is not being brought forth and so forth. I think everybody in here is pretty clear about what the stances are on both sides of the court.

I would like to thank the DOE this morning for empowering me and empowering this group, if I may speak for them. Everytime a new deception is unearthed, everytime we are not allowed due process of law, we are strengthened and unified as a group. And the voice that you choose to squelch grows stronger, more educated, more outraged, more virulent. So in a strange sort of way, you're helping us all by your actions which we do disapprove.

I would like to thank CCNS, Concerned Citizens for Nuclear Safety. As a group of volunteers they are doing what I feel the DOE should be doing as

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civil servants. They're making every effort to educate us and make concerned and knowledgeable citizens out of each and every lay person who cares to know what's going on. So on behalf of the people that aren't here today that would like to be here, the people that physically can't be here, I would just like to say that it's time to wake up. Thank you.

MR. EIGUREN: The next scheduled commentor is Stanley Berne. Lilly Brent. Would you give your name and address for the record, please? You have five minutes for comment.

MS. BRENT: Thank you. I am Lilly Brent. I live in Albuquerque. I live at 11005 Morris Court, Northeast Albuquerque. I couldn't come down there because I was up watching what was happening in Alaska. I just came down from the oil spill which is also being treated in a very irresponsible way. I have for you here a new version of the EPA standards card which you put on record. I would like this one to go on record. It says, "Not only must WIPP meet new EPA standards, but it must beat EPA standards, because EPA standards are not high enough to meet needs of the environment."

MR. EIGUREN: Exhibit 352 is marked for the record.

(Exhibit 352 marked.)

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MS. BRENT: I would like to mention some other responsibilities which have occurred, which makes your credibility somewhat doubtful. In 1970 there was a nuclear spill of the Rio Puerco. I happened to be a teacher to those children in 1985. I would like to tell you what they were like. There was one child who could not hold food in his stomach. Everywhere we went, he threw it up. We took him skiing. We had throw up all over the van, because this boy could not drink two containers of milk. He loved skiing, and he got overenergetic and was very hungry and ate two containers of milk. He threw up. He never could hold food in his stomach.

There was another one, a young boy of about 14 who could not stand the sound of drums. The drums were too violent for his ears. His ears were malformed. Drums were part of his nation. When he heard the tribal dances, he had to go out of the room. And he got very upset and just completely out of whack because his ears were malformed. There was another child who was mentally retarded and just couldn't function in a regular classroom. She had one arm, which was not quite formed correctly. She limped. She learned to ski. She was very valiant. And they all tried very hard. The rest of them, there were 12 of

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them, were very malformed. It was because of this nuclear spill.

Where was the EPA? Where were the people who were regulating the cleanup of this mine that left its tailing pond after it left? There was some uranium mines and the mine was just left there. And in the course of years the tailing ponds spilled over and into the Rio Puerco Valley and it contaminated their drinking water. There are some things that I would like to talk to you about the aquifers at the WIPP site in regard to this nuclear spill and the track record which has already been named.

I went to a conference in Aspen in 1975. People were talking about nuclear waste. In fact, that was the whole conference. I sat in the back of the room on the floor. There were no seats. And I listened as a teacher to the comments that were being made. There was one environmentalist in a group, and he was continually pushed down when he tried to speak. He was saying, "What about the people?" And nobody listened to him. They were talking about cost-effective; how much cost it would take to dispose of the nuclear waste which had already been made.

At that time they decided that low level was cheaper to dispose of, and there were quite a few

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people in the room who were in favor of recycling the low-level waste. And there were some people who spoke up and said that the waste would be more powerful if it were recycled. But there were a lot of people who said that we can store it and then later we can always recycle it if we have to.

I want some promises. I want some promises that you're not going to do that. I want some promises that the changes which have already been made in the supplement are not going to be increased, because CH TRU waste is no longer the only item on the agenda. You have now included a few -- .03 percent -- of high-level waste. What's to prevent anyone from increasing that amount? There is nothing in the mechanisms that say that you will increase that amount of high-level waste in the future.

MR. EIGUREN: I have to ask you to briefly close. You've run over your time.

MS. BRENT: Well, I had a lot more to say, believe me. In conclusion, I'm speaking for the 80,000-odd students that I have had under my care in 40 years of teaching in this state. I love every one of them, and I just hope that their futures are going to be less bleak than I foresee. Thank you.

MR. EIGUREN: Next call Elizabeth West.

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5.1-2
5.1.1-2

MS. WEST: My name is Elizabest Weet. I live at 318 Sena Street, S-e-n-a, in Santa Fe. I have three teenagers end, therefore, being a mother is my main job at this time. I am also a full-time library technician at the Santa Fe Public Library and, therefore, I'm a civil servant, very much the same way that Mr. Szenasi and Mr. Bickel are civil servants. After all, we work for the city or we work for the federal government to help the public, and so we're in this together.

I'm nervous about being a member of the nuclear age group. When I was a little girl, I just didn't expect this to happen. We all say that now in our 40s or wherever we are, we didn't expect that to happen. I suppose people throughout time have been saying that, so that's nothing new. Perhaps the dinosaurs, were they to think along those lines, would have said the same kind of thing. I am sometimes wondering, am I a dinosaur?

In other words, is it really so bad to become extinct? This dramatic thing that I'm saying here is just a reflexion of something that could be labeled as "paranoia," perheps. In truth, it really is just plain one aspect of something I have to admit -- I am afraid. And I am afraid. I'm not terribly

reassured by the people who are running the government. Originally I wasn't going to say anything because I thought, well, who needs another mother saying something, but I'm very glad that these hearings are being held.

And I was actually prompted to come and speak today because I read about Governer Carruthers' comments against workers, businesses who were against WIPP. And I thought, "My gosh. This man is an elected official. He's working in the government, and he doesn't know the difference between a public servant and a private citizen." I would have no respect for him if he hired some workers to come clean up his house who were all complaining about him behind his back. But he is the governor of this state. And the fact that he took a stand against a business who -- which was explaining itself in relation to being anti-WIPP just really infuriated me --- or upset me. It doesn't encourage me, so that added to my fear.

Therefore, I want to go on record -- because you have to say something in this mishmash of chaos -- I want to go on record saying I strongly support the so-called no-action alternative for now. It's terrible to be forced to be simplistic when we're actually human beings. I loved it when the woman sang

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a song. My sympathy's to you, court reporter, trying to put that down. "Because haste makes waste and waste makes WIPP and then now WIPP makes haste." It seems to me we've got to slow up. And I know we're caught between a rock and a hard spot, but we have got to do something about our waste.

We do have to be responsible for our waste in our own back yards and all over the country, all over the world. But I think we need help. Where there's this much smoke of confusion and sadness and fear, some of it warranted, some of it, perhaps, paranoid -- I, honestly, don't know. But where there is this much fear and confusion, we simply must go slowly.

I think we need help internationally. This is not just something that may or may not affect Carlsbad's tourism, so I think it might be kind of interesting to have an international group helping us to monitor what's going on down in Carlsbad, when and if this happens. It might sound kind of funny in a way, but I would make it my first choice, personally, to invite some people both from government and nongovernment positions from the Soviet Union, from France and from Pakistan, for obvious reasons. I think it would be kind of amusing and enlightening, and I

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3.1-6

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think we should include something on the agends like singing and dancing, do something aside of just communicating with stuff that looks to me as jargon. Because I barely know what a salt bed is, honsstly. I probably don't have it accurate. 3.1-6

But I do think we need help, and I do think we need to do something about our waste. And I do think we need to slow up in the nuclear realm. One last thing before I close here, what does "permanent" mean? After five years, say all goes well, and I hope if this happens all goes well, whatever what means, what then does "permanent" mean? What if s goof comes up seven years later, 25 years later? What will we do with that stuff? I don't think we know. Although it's tricky leaving it where it is now, I think we need to do something a little more slowly. Again, thank you very much. 3.6-1

MR. EIGUREN: Call Stanley Barns.

MR. BERNE: My name is Stanley Barns. My address is Post Office Box 4595, Santa Fe, New Mexico, 87502. One of the exciting things about America is what is happening here today. We are having public hearings about a profound issus that affects all of our lives. The queation of what to do with a devastating waste, the product of our nuclear industry. 9-1

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I am a veteran of World War II who returned from the fighting in the Philippines. I am one who was wounded in that struggle, so I am a Disabled War Veteran. And I'm proud to have been awarded the Medal of the Philippins Liberation. As a member of the Occupation Army in Japan along with the Douglas MacArthur, I had the duty assigned to me the visit Hiroshima. I saw Hiroshima after ws destroyed it. I knew three things about that destruction, since I was directly affected by it: one, was that it had to be done, since we had met the Japanese in battle and found them implacable and stubborn. There was no other way to persuade them that they were defeated by us. There was no other way to persuade them to cease the killing and stop the war. Two, President Truman did the right thing to give the order to drop the bomb. Robert Oppenheimer was a great patriot and a hero of World War II in having brought the bomb into being at Los Alamos. 9-1

I knew with all my heart that it was right, because I was alive and all of my buddies were alive. Our company was alive. Our regiment was alive and well and peacefully occupying Japan. I well know the devastation of the atom bomb. I saw its power at Hirosbima. I stood at the edge of that city and saw a

city that had been turned into powder, a pulverized and smoking city. We are not debating the issue of the atom bomb here today. Now we see the bomb as a blessing in World War II. Since, as President Truman knew, it saved our having to invade Japan and, thus, it saved probably a million and one American soldiers. I was that one. 9-1

In 1989 we must consider what has grown out of that blessing created by Robert Oppenheimer at Los Alamos. Today we are faced with a curse. We have to deal with a virtually indestructible manmade element that is called Einsteinium, a transuranic element, atomic number 99. The DOE does not know how to isolate this element which, once made, is a product for either making further numbers of atomic weapons or as a product of nuclear fission used in the manufacture of electricity. The DOE does not know, for a certainty, how to dispose of this element. It claims to know this, but failure after failure shows us it cannot be safely isolated. 3.1-2 3.4-1

I, for one, think the DOE is not an evil agency. Many, many Americans have now come to believe it is. I think they have been given a mission to move and bury Einsteinium Number 99 to best of their ability and to use the best technology so far developed. But

their ability and the available technology have so far failed them and, therefore, failed us. The transportation of Einsteinium Number 99 poses serious threats and dangers to the 23 states and communities through which the DOE proposes to move this material. I'll be finished in half a second here. 3.1-2 3.4-1

If the DOE wants friends and supporters in its hour of greatest need, and if our belief in government, our trust in our own government is not to be seriously eroded further, then the only answer must be to leave the debris where it is being generated, so as not to destroy and pollute any more of our precious land, so as not to endanger the precious people of our great nation. 7.3.3-10 7.3.5.4-3

MR. ZIGUREN: Thank you. I'll now call Norah Pierson. Stanley Berne's written comments will be entered as an exhibit for the record as 353. Please proceed. 1-2

(Exhibit 353 marked.)

MS. PIERSON: My name is Norah Pierson, 115 Don Gaspar, Santa Fe. Ten years ago New Mexico was declared a national sacrifice zone. Most of our politicians don't have the balls to use this term today, but nothing has changed. What are we being asked to sacrifice? We are being asked to sacrifice

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our health. Plutonium is a powder so fine, that unless it has been successfully contained initially cannot be either contained or cleaned up afterwards.

Most of the waste that's going to be shipped was not successfully contained initially and, therefore, the TRUPACT containers will be contaminated on the outside in the process of filling them. These particles of plutonium will then be blown off to be inhaled, ingested, picked up on our car tires and transported onto our properties and, hence, into our homes. 7.3.5.1-18

If an accident, one accident, one container is breached, it spontaneously combusts, and we will have an Exxon Valdez of the nuclear variety. Only it will be around for 240,000 years. No evacuation plans have been initiated for any of us. Even the inadequate medical emergency plans sponsored by the DOE have not been properly implemented. St. Vincent Hospital, when asked what they would do with victims of contamination, said they would put us in the parking lot. Obviously, they're not equipped either. 7.12.9-2 7.12.9-4 7.12.9-5 7.12.9-7

It has already been established that there are no safe levels of radiation. And, yet, every 90 minutes, five days a week for the next 25 years, 1,200 rems per hour of alpha radiation will be emitted 7.3.5.2-4 7.3.5.4-3

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from every passing truck, penetrating a minimum of one-half-mile radius. In the past, our government has refused to take any responsibility for the cancers that it has caused by its nuclear policies. This has not changed. 7.3.5.4-2

So we are being asked to stand by to contract cancer, to see an increase in childhood leukemia and witness the rise in birth defects. The financial burden of these tragedies will fall on us, as there are no insurance policies available for nuclear contamination. The DOE cannot control this substance. The technology does not exist today. To transport it is to commute a death sentence on a segment of our population, and this is not acceptable. 3.1-8

We are being asked to sacrifice our environment. Plutonium also affects animals and works its way up the food chain. We are being asked to sacrifice our livelihoods. When the truths about these shipments is finally realized, we won't have a tourist industry. We are being asked to sacrifice our freedom of choice. It is criminal that our own politicians, instead of protecting us, have been successfully coerced, lied to, ignored or bribed concerning the WIPP project. Bribes are so pitiful as to be ludicrous. 7.2-31

600-some-odd jobs for ten years to build 3.2-1

the WIPP facility; 40 or so on-site jobs for 25 years and a few bypasses built around towns that, one, aren't built yet and, two, won't really protect the towns from a wind-blown powder, particularly since the towns are mostly downwind from the proposed bypasses. However, the politicians involved stand to be handsomely awarded politically, if they can pull it off. 3.2-1

Fence straddlers had better get off the fence pretty damn quick or risk political castration. We are being asked to sacrifice our life savings. The minute the first truck rolls down our roads, anyone owning property near the shipping routes will automatically suffer a loss of property values. Whether or not the property is actually for sale, the owner will suffer a loss of equity. This amounts to confiscation without just compensation, and it's unconstitutional. 7.2-2 7.2-24

Real estate disclosure laws further depreciate the value of the property and make it difficult, if not impossible, to sell. We are being asked to sacrifice our citizenships and our rights and privileges under the Constitution. And finally, what this all means, is we are being asked to sacrifice the future; not our future, but the infinite future. No wonder drugs are alchemic in this society and greed rules the day. 3.2-1

After World War II the Nuremberg trials determined that to obey an order given from your own government, if that order was immoral, was indefensible. Nuclear bombs, nuclear power plants and nuclear waste are a crime against humanity. The DOE should be so indicted. Darth Vadar is alive and well and moving to New Mexico and he's led by Uncle Sam. 3.2-1

MR. EIGUREN: Next call Aurora Burnell. Hugh Jennings.

MR. JENNINGS: My name is Hugh Jennings. My address is 329 Sanchez Street, Santa Fe, 87501. I am a retired nuclear engineer from Los Alamos. At this time, I would like to address alternate actions to WIPP, as listed in the SEIS. It's a rather short list and that makes my presentation fairly short. These are, in order of increasing scale, no action, and alternate action. The alternate action consisting of bin-scale and possible underground, what they call, room-scale testing. 3.6-2 5.1.1-1 5.2-1 5.2-2 5.3-1

Now, for those who haven't had a chance to look at the glossary, I would like to explain that bin-scale tests use "sealed bins where TRU wastes and other materials are stored, in order to determine the chemical and physical interaction." In other words,

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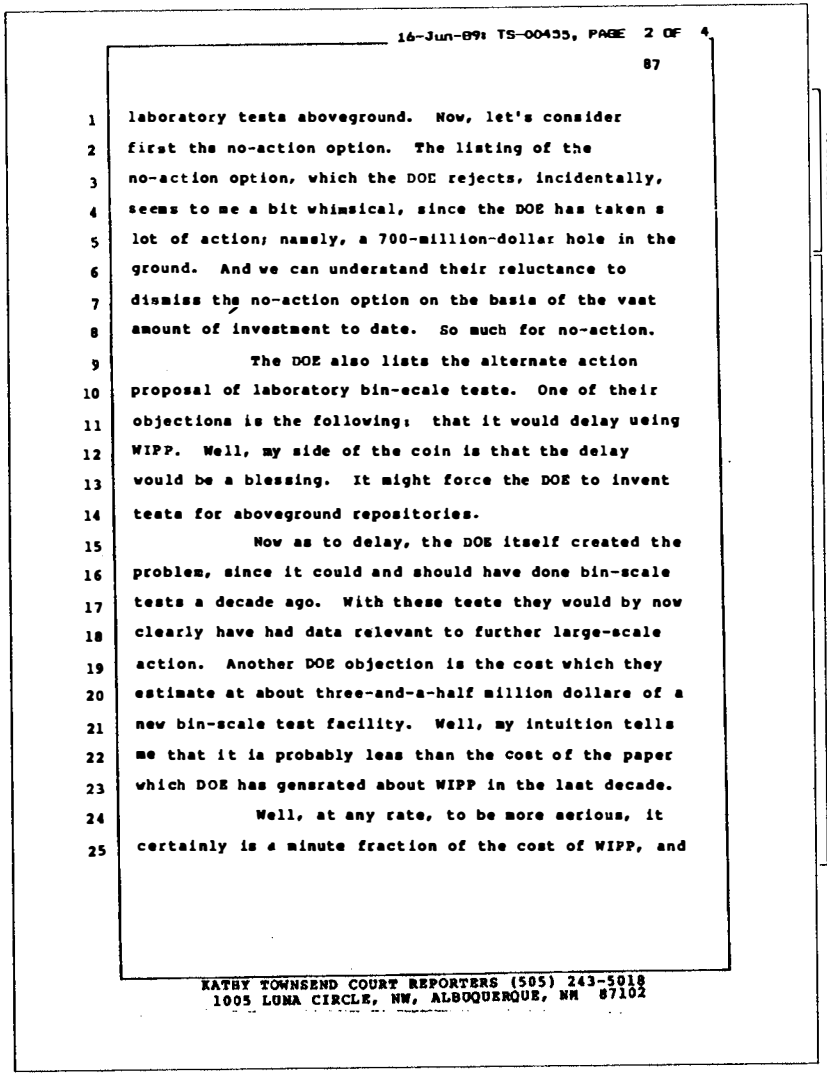

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laboratory tests aboveground. Now, let's consider first the no-action option. The listing of the no-action option, which the DOE rejects, incidentally, seems to me a bit whimsical, since the DOE has taken a lot of action; namely, a 700-million-dollar hole in the ground. And we can understand their reluctance to dismiss the no-action option on the basis of the vast amount of investment to date. So much for no-action.

The DOE also lists the alternate action proposal of laboratory bin-scale tests. One of their objections is the following: that it would delay using WIPP. Well, my side of the coin is that the delay would be a blessing. It might force the DOE to invent tests for aboveground repositories.

Now as to delay, the DOE itself created the problem, since it could and should have done bin-scale tests a decade ago. With these tests they would by now clearly have had data relevant to further large-scale action. Another DOE objection is the cost which they estimate at about three-and-a-half million dollars of a new bin-scale test facility. Well, my intuition tells me that it is probably less than the cost of the paper which DOE has generated about WIPP in the last decade.

Well, at any rate, to be more serious, it certainly is a minute fraction of the cost of WIPP, and

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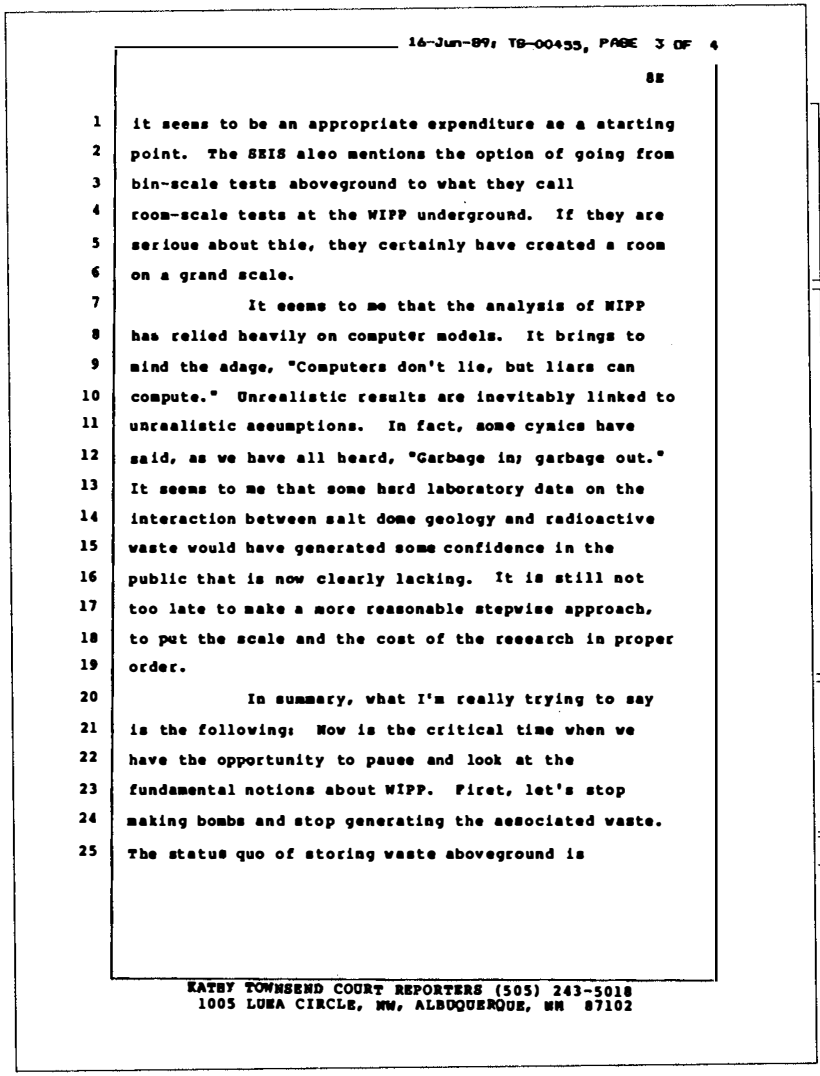

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it seems to be an appropriate expenditure as a starting point. The SEIS also mentions the option of going from bin-scale tests aboveground to what they call room-scale tests at the WIPP underground. If they are serious about this, they certainly have created a room on a grand scale.

It seems to me that the analysis of WIPP has relied heavily on computer models. It brings to mind the adage, "Computers don't lie, but liars can compute." Unrealistic results are inevitably linked to unrealistic assumptions. In fact, some cynics have said, as we have all heard, "Garbage in; garbage out." It seems to me that some hard laboratory data on the interaction between salt dome geology and radioactive waste would have generated some confidence in the public that is now clearly lacking. It is still not too late to make a more reasonable stepwise approach, to put the scale and the cost of the research in proper order.

In summary, what I'm really trying to say is the following: Now is the critical time when we have the opportunity to pause and look at the fundamental notions about WIPP. First, let's stop making bombs and stop generating the associated waste. The status quo of storing waste aboveground is

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beginning to look better and better to me. Next, let's put WIPP on hold.

The time scale for opening it, that the government seems to insist on, is really artificial. Now is the time to look at it before we do something that is irreversible. Let's look at the research and the efforts that's gone into it as of now, see if it's adequate, and see if it's our best effort. That is the least we can do for our future generations. Thank you for allowing me the time to present my views.

MR. EIGUREN: We will mark as Exhibit 354 the written comments of Hugh Jennings.

(Exhibit 354 marked.)

MR. EIGUREN: Next call Marcy Pompei.

MS. POMPEI: My name is Marcy Pompei. I live at the 2403 Naclovia Circle here in Santa Fe. I'm here as a parent, as a New Mexican citizen and as a practicing Quaker in the Santa Fe community. My concerns lie in the safety of nuclear storage and the transportation. I support no-action immediately and no production ultimately.

MR. EIGUREN: Thank you. Linda Seese.

MS. SEESE: My name is Linda Seese, and I live at 730 East Columbia, Santa Fe. I live three houses from St. Francis Drive. This scares me a lot.

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That's why I wanted to speak. I'm not a public speaker. I also wanted to say that I'm -- for me being here speaking, I have had 30 or 40 friends who said they wished that they could speak if they had known about it or had the courage.

The traffic in Santa Fe is terrible. It just scares me a lot that this nuclear waste would be coming down St. Francis. Just two or three days ago the freeway was closed coming into Santa Fe due to an accident. It just seems inevitable that there would be an accident with one of these trucks.

I went to an all-species-day parade the other day, and this included representatives of the endangered species, otters, whales, elephants, gorillas. I thought of marching as a bird woman, an endangered species. In fact, if WIPP goes through, we humans are all an endangered species.

You know, Santa Fe has a lot of fame these days. Long ago it was known for its railroad. Now, the bowling coyotes, Robert Redford, Santa Fe style. Soon, if this WIPP goes through and the inevitable occurs, it will be really part of the big three: Three Mile Island, Chernobyl, Santa Fe -- sites of nuclear disasters.

I think, as we're all aware, this state and

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7.2-31

particularly the northern part of the state is totally dependent on the tourist trade. I wonder how much longer this trade would go on when we start shipping nuclear waste through Santa Fe? Thirdly, after my fears for myself, neighbors, and those I love, I fear for the economy. I am in great distrust of you, DOE. You are incompetent and you lie to us. There were cracks in the salt caverns that you covered up in your last statement. 7.2-31

I once lived in Oregon and loved the Columbia River, the most radioactive river in the world, thanks to storage in your inadequate cardboard containers once proclaimed as safe. What is safe? What you have let happen in Rocky Flats and various places in Ohio and the South are a disaster. Don't spend billions of dollars more of the taxpayers' money cleaning these up. Shut them down. Stop supporting a technology that is slowly and not so slowly killing the planet. Why not support research into solar and wind technology? These don't kill. Please listen to the people. Thank you. 3.1-2 3.2-1 5.3-1 9-3

MR. EIGUREN: Next commentor is Doug Booth. Following Doug Booth is Lynn Clarton.

MR. BOOTH: Good morning, Mr. Chairman, members of the committee. I'm Douglas Booth. I'm an

attorney in Santa Fe here. I'm the attorney for Concerned Citizens for Nuclear Safety. However, at this time I would like to address the committee in my individual capacity. First, I would like to speak to the procedure of these hearings themselves. I understand that this panel has been overwhelmed with responses, particularly in this area, for requests to speak. However, I object to the decision to divide the panels. When I try a jury trial, I don't want some of the jury to hear some of the evidence. I want all the jury to hear all the evidence. I think that's important. 8-7

I would like to address the SEIS document itself which, I believe, to be faithfully flawed, having reviewed it, on a number of issues. First of all, transportation. The SEIS document does not consider an accident scenario involving high-level remote-handled waste but only low-level plutonium-contaminated waste. It also neglects to assess the effects of an accident involving fire, which is highly likely. Would the TRUPACT containers melt and send deadly plutonium throughout the air? Probably. The containers themselves, of course, have not gone through the certification process of NRC, so their safety is, at best, questionable. 7.3.5.1-31 7.12.9-10

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The absence of the bypasses that we have been promised around major communities is another concern. The decision not to transport by rail has not been adequately justified by the DOE, despite the fact that the SEIS finds rail transport more safe. 7.15.4-3 7.3.2-4

The garden site itself. You may recall in 1966 the predecessor to the DOE, Atomic Energy Commission, had a great idea, that was to bury the nation's high-level radioactive waste in salt mines at Lyons, Kansas. They called the plan "Operation Salt Vault," but the project was scrapped because water in the repository used for mining had disappeared, indicating the salt formations were, in fact, not solid.

At WIPP we have the identical indicators. We have water leakage in the repository, collapsing ceilings and walls. The geologic closing of the chambers themselves is two to three times faster than originally predicted. WIPP is just not safe. The waste would unquestionably enter aquifers in communities adjacent to the Rio Grande and cause great disaster. Closing of the chambers themselves would render a retrieval of that three percent of the waste absolutely impossible. 7.12.6-4 7.14-1 7.14-9

Regarding that three-percent experiment, I 1-3

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suggest that if the DOE truly believes that WIPP is safe, then let's go ahead and get complete EPA compliance prior to emplacement of the waste and withdraw the request for any kind of a test fill. 1-3

Lastly, I would like to say that CCNS, Concerned Citizens for Nuclear Safety, in conjunction with the Environmental Defense Fund that the National Resource and Defense Council will sue the DOE and enjoin the opening of WIPP if these and other concerns have not been addressed.

Those requirements are, one, that the containers receive NRC certification prior to their useage; two, that all RCRA mandates be met prior to shipment, as RCRA applies here because there will be mixed waste shipped to WIPP; and, thirdly, that the site achieve full compliance with NEPA standards prior to any thought of emplacement. Thank you for your time. 3.7-1 3.7-4 7.3.1-2

MR. EIGUREN: Mr. Booth, in your role as counsel to the CCNS, I should note for the record, once again, that I discussed this issue yesterday with Mr. Miller as to procedural objection. We made arrangements for him to enter a formal objection on the record on behalf of CCNS.

MR. BOOTH: Thank you. Appreciate it.

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MR. EIGUREN: Lynn Claxton.

MS. CLAXTON: My name is Lynn Claxton. My address is 838 1/2 Palace, Santa Fe. My heart goes out to the people who live in such fear and misunderstanding that the hording of weapons is the only choice they feel that they have. Let me remind you of Franklin D. Roosevelt's words, "The only thing we have to fear is fear itself." That is to say nothing carries more power of destruction than fear.

In light of the present global crisis, I ask what truth is so feared that now the destructive force present on earth is nearly equal to the very force of the creation which it came to be. It is the height of irony and insult that you build more and more bombs that could destroy the entire earth, all in the name of ensuring peace. Who are you trying so desperately to fool? God? Forget it. You don't even fool me.

That WIPP could even be considered a solution for the disposal of nuclear waste is a reflection of the extent to which the real problem has been denied. The real problem is there's no such thing as disposal of nuclear waste. We live in a biosphere. Once you make the deadly shit, there's no where else to put it. Wake up.

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Perhaps you would rather die unconsciously in your sleep. But if somewhere in your slumbering consciousness you have a memory of a love for live, you won't try to take the earth down with you. The SEIS was written in the DOE's sleep and it's just as painful as that. In reviewing the document and the DOE's record, I'm reminded of a quote made by the visionary poet William Blake, "The weak in courage are strong and cunning."

Significantly, the Latin basis for the word courage, cor, means heart. Have you people any heart? At this point I ask you no less than to prove to the public that you have this human quality. If you continue to deny the dangers imposed upon the people and the earth by the nuclear waste mess you have created, your crime of negligence will be no less than mass murder. A denial comparable to that of Nazi Germany will not be allowed to be repeated. Thank you.

MR. EIGUREN: I intend to call two additional commentors and then we will take a brief recess. I would call Valerie Santagto. The written comments of Lynn Claxton will be entered into the record as Exhibit 355.

(Exhibit 355 marked.)

MS. EIGUREN: Please proceed, ma'am.

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MS. SANTAGTO: My name is Valerie Santagto. I live at 806 Don Cubero in Santa Fe. Gentlemen, you have heard facts, you have gone over them with other speakers who know far more than I do. What I'm here to express is some good Italian/Hungarian emotion. Right now the only fact which stands out clearly is that we who support the earth as our mother and want to protect her are right. You who support the military industrial complex are wrong.

When I came to this meeting last night, it felt like a funeral. I started to doubt my sanity listening to your automaton drivel, listening to your ridiculous answers to direct questions about our safety. I realized you are the ones who are insane. I kept hearing five years for projected test time, ten years, a few decades. But we're not talking about ten years or 100 years, but 250,000 years, and you expect us to take you seriously?

Yet the DOE, our government and state politicians intend to perpetrate upon us a crime which is tantamount to murder. This crime is greater than that of Hitler or Stalin against the Jews, because although it is similar, that is, based upon greed and fear, it will eventually destroy us all. Shouldn't all of you who support the military industrial complex be

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declared criminally insane and arrested? Unfortunately, our jails couldn't hold you, and we're running out of time to reeducate you.

Waste disposal in Carlsbad is a crime against this planet and its people. The earth is a closed system. There's no way to get off, nowhere to run, nowhere to hide. Without this planet, we're all dead. Yet you'll beat that nuclear horse into the ground until it destroys us, never mentioning recycling or alternative energy forms.

The Carlsbad situation is like taking a person -- let's say you, your mother, your brother, your son, or me -- and saying, "Okay, I'm going to inject you with the AIDS virus." You will get very ill. You will develop a systemic disease which will rot you from the inside out. It will be very painful. You will lose your hair and develop sores. You will become emaciated. But don't worry, it will only last six months to a year and then it will be over -- you will be dead.

What the DOE and our government plans for us is long-range systemic poisoning of the planet. Have you considered what one earthquake could do to Carlsbad? The problem is that you all believe that this is happening for the first time, but the Hopi

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Indiana record three major world destructions which they survived. I would like to read this quote from the destruction of the third world recorded by the Hopi Indians.

"Let some of them use their Patte Votas, a shield made of hide. With their creative power, they make them fly through the air. On this many people flew to a big city and attacked it and returned so fast that no one knew where it had come from. Soon the people of many cities and countries were making Patte Votas and flying on them to attack one another. So corruption and war came to the third world as it had to the others. There is no use waiting until the bread runs out this time. Something has to be done, lest people with the song in their hearts are corrupted and killed off, too. It will be difficult with all the destruction going on for them to gather at the far end of the world I have designated, but I will help them. Then you will save them and I will destroy this world with water."

Even now the Hopis say to change your leaders or change the way they think or you're doomed. Only one brother and sister may be left to start over again. My suggestion: Why not end the arms race, lie to the Russians and the rest of the world? You guys

3.2-1

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lie all the time anyway. Besides which, you've got the media to back you up. You can fool them.

You're dooming us to a silent, invisible death because of greed and fear. I hate what you are doing and feel that you have violated my rights as a human being. You are my employees. As civil servants, you work for me. "Of the people, by the people and for the people." I leave you with this: Be fearless. Choose love. And thank you for letting me insult you.

MR. EIGUREN: Next call Betty Spurlich.

MS. SPURLICH: Hello. My name is Betty Spurlich, and I'm a registered nurse working at the newborn nursery at St. Vincent Hospital in Santa Fe. I'm also the mother of a young son. Excuse me, should I give my address?

MR. EIGUREN: Yes, please.

MS. SPURLICH: My address is 918-D Acequia Madre, Santa Fe. I am speaking here today for myself and on behalf of newborn babies, as well as newborn babies for a quarter of a million years to come, for that is how long plutonium remains toxic. I am asking you: Do not open WIPP until revised EPA standards are met. The WIPP site is not safe. We have the testimony of the independent scientists' group for that. The main problems include the presence of a highly

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pressurized brine reservoir beneath the site, the presence of an important aquifer above the storage area and more leakage into a site which was supposed to remain dry for thousands of years. 3.1-2

No scientific evidence has been presented to justify the placing of radioactive waste for a five-year experimental test phase. The test plan appears to be an attempt to rush the opening of WIPP before the EPA standards are met. I, along with many other people, am finding it hard to trust the DOE. I'm in very good company here, the company of the Senator Tom Rutherford on this issue. 3.2-1 4.1-3 7.11-1

Frankly, we just don't trust you. Look at the cover-up role the DOE played at Rocky Flats. At Rocky Flats the groundwater and the earth are so full of radioactive and chemically toxic material that the area might simply have to be closed off and never cleaned up. This is the same facility that the DOE lauded for exemplary handling of wastes and health and safety programs. 3.2-1

I ask you: Don't create a Rocky Flats here. No waste dumping here until EPA standards are met. Please listen to us and to national leaders like Senator John Glenn. In the name of national defense, the government has been poisoning our citizens. Clean 3.1-3

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up the groundwater and soil contamination at DOE sites around the country. WIPP is not a solution. If WIPP is allowed to open before EPA standards are met, WIPP will become part of the problem. Thank you. 3.1.3

MR. EIGUREN: Thank you. We are now at the 110th order on the witness list. We will take a brief recess and go back on the record approximately ten minutes after ten and continue with the hearing.

(Recess.)

MR. EIGUREN: Our public hearing will now come back to order. This is the Santa Fe, New Mexico, public hearing being held by the United States Department of Energy. This is proceeding 0026-DS. The purpose is for receiving public comment on the Supplement Environmental Impact Statement for the Waste Isolation Pilot Plant located near Carlsbad, New Mexico. The hour is approximately eleven minutes after ten. Prior to recess we had gone through order number 109 on our preregistered commentor list. We're in the process now of receiving comment from members of the public.

As I mentioned at the beginning of our hearing this morning, yesterday during the main session we did receive comment from 34 different public interest groups, elected officials, state government

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representatives, as well as representatives of Indian tribes. The individuals who testified during that portion of the proceeding were allowed ten minutes within which to comment, as they did represent the public interest groups. We had one individual who represented the United Mine Workers who could not attend the hearing yesterday and requested to appear this morning. So at this point this individual will have ten minutes for his comments, as provided for by the rules of conduct in these proceedings. Mr. Bruce Boyens is here on behalf of United Mine Workers. You have ten minutes for comment.

MR. BOYENS: Thank you. I'm Bruce Boyens. I'm the regional director for the United Mine Workers of America. My office address is 1563 Gilpin, G-i-l-p-i-n, Street, Denver, Colorado, 80207. United Mine Workers of America is a labor union repreeenting approximately 105,000 people across the United States. Additionally, the mine workers have already issued written comments opposing opening of WIPP in its present form. The mine workers would like to go on record also as objecting to the split panels, simply because DOE never seems to short shrift. The nuclear industry only short shrifts the citizens. The mine workers full well know being short shrifted by the

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government and its ineptness over the years in the areas of mine safety, environmental protection and other issues.

The mine workers, as I said, totally opposed WIPP in its present fast-track form. The transportation of WIPP through communities where thousands of our members live -- at Raton, New Mexico; Trinidad, Colorado; Denver, Colorado area and the western slope of Colorado -- only demonstrates that once again the federal government is more interested in serving industry rather than the people who they're elected to serve.

The Denver area people live in the lap of DOE ineptness and corruption. We do not want to see that occur along the entire corridor which takes in most of the United States and, again, thousands of our members. DOE is a federal bureaucracy filled with government slugs and turkeys who write phony word-filled SEIS with no substance. UMWA demands substance, not words. UMWA plans to join in the citizens' lawsuits when they reach appeal as an amicus. We do not care to enter in prior to that, because we feel that the citizens will win the original lawsuits.

The two failures in the SEIS on the packaging does not give us much comfort. Does that

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mean the next test or the next failure should be on me? I live in the Denver area. Or our members or the workers who ultimately will work at WIPP? Should we, once again, become the guinea pig factor for the federal government? The answer to that is, simply, "No, we should not."

We ask that DOE clean up your own shop before you go experimenting on us. We are sick and tired of becoming guinea pigs. The coal miners have been guinea pigs for years. What has it got us but hundreds and thousands of deaths, while the profits have rolled out to the industries in which they work?

We saw the governor's comments. The only thing we have to say to the governor is that if he had a brain on this one, he would be arrested for smuggling. The governor of this state is anti-worker, anti-union. And in this case, as my father used to say, "Never respond to an idiot or a fool," and the governor in this case fits both categories.

We state, simply put, that the DOE must ensure, and we are not sure they can do this, and that is our major concern given their current makeup. We don't know if we're willing to roll the dice and simply say, "Make it safe when open." We are totally uncertain DOE is capable of this. We know one thing

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for sure, UMWA supports a process which includes citizens, more than a dog and pony show, but citizens in the entire process so that they can, in fact, be part of that process; so that they can be ensured that WIPP will, if ever opened, open in a safe and responsible manner.

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Secondly, we believe that WIPP must meet NEPA, EPA and other statutory standards prior to its opening. We want DOE to realistically address and explore other options, rather than stating, "There are no options." I can say that all afternoon, all morning, and that does not make it true. Again, we state, "Clean up your own act. Clean up the facilities." We do not want a Rocky Flats again. We do not want an Oak Ridge or Savannah River. Why, oh why, are we constantly subjected to being guinea pigs? We don't have an answer. We are asking DOE to practice accountability, not preach it. Once again, on behalf of 105,000 members nationwide, UMWA goes on record opposing and asking DOE to totally relook at the WIPP project. Thank you.

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MR. EIGOREN: Mr. Boyen, it is my understanding that United Mine Workers has or will submit more extensive written comments for the record?

MR. BOYEN: We have already submitted those

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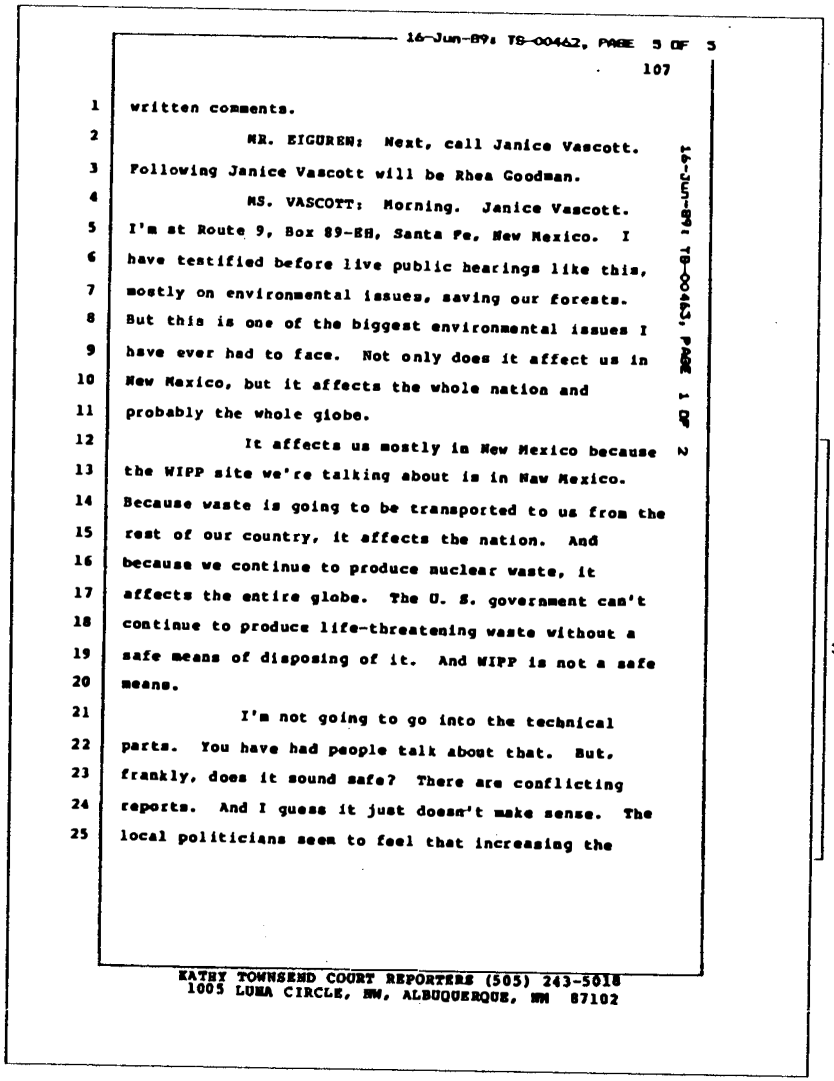

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written comments.

MR. EIGUREN: Next, call Janice Vascott. Following Janice Vascott will be Rhea Goodman.

MS. VASCOTT: Morning. Janice Vascott. I'm at Route 9, Box 89-EH, Santa Fe, New Mexico. I have testified before live public hearings like this, mostly on environmental issues, saving our forests. But this is one of the biggest environmental issues I have ever had to face. Not only does it affect us in New Mexico, but it affects the whole nation and probably the whole globe.

It affects us mostly in New Mexico because the WIPP site we're talking about is in New Mexico. Because waste is going to be transported to us from the rest of our country, it affects the nation. And because we continue to produce nuclear waste, it affects the entire globe. The U. S. government can't continue to produce life-threatening waste without a safe means of disposing of it. And WIPP is not a safe means.

I'm not going to go into the technical parts. You have had people talk about that. But, frankly, does it sound safe? There are conflicting reports. And I guess it just doesn't make sense. The local politicians seem to feel that increasing the

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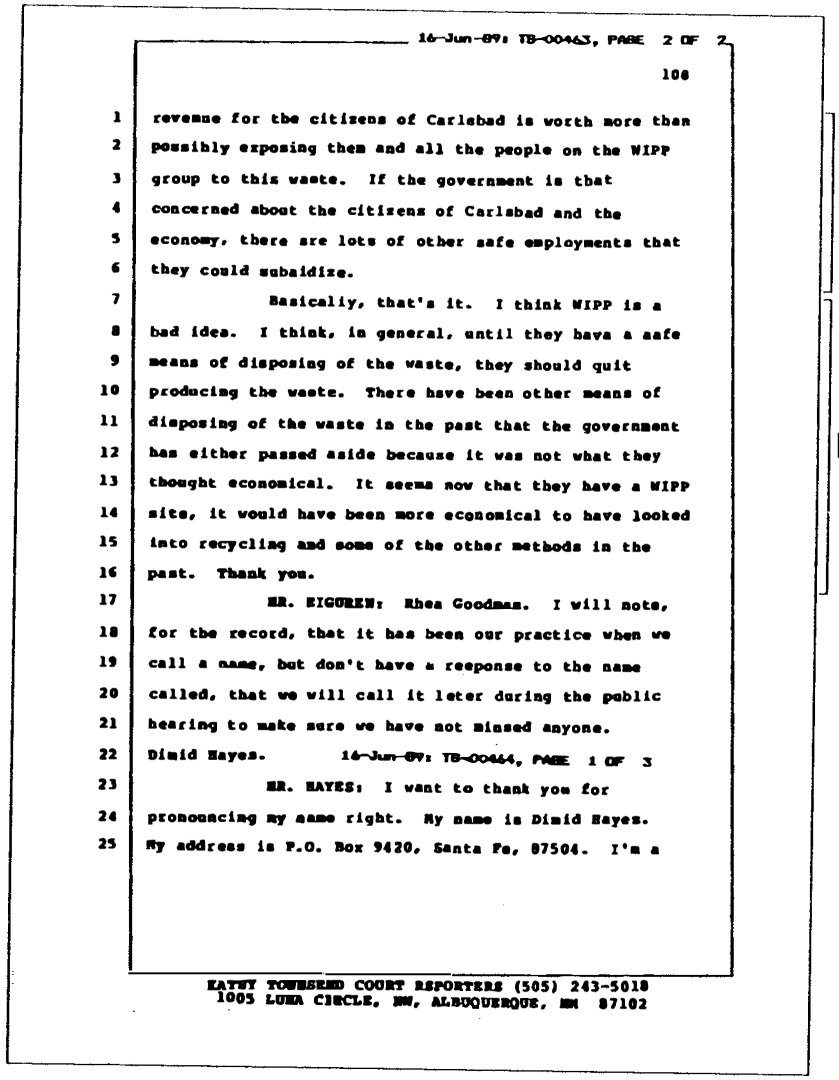

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revenue for the citizens of Carlsbad is worth more than possibly exposing them and all the people on the WIPP group to this waste. If the government is that concerned about the citizens of Carlsbad and the economy, there are lots of other safe employments that they could subsidize.

Basically, that's it. I think WIPP is a bad idea. I think, in general, until they have a safe means of disposing of the waste, they should quit producing the waste. There have been other means of disposing of the waste in the past that the government has either passed aside because it was not what they thought economical. It seems now that they have a WIPP site, it would have been more economical to have looked into recycling and some of the other methods in the past. Thank you.

MR. EIGUREN: Rhea Goodman. I will note, for the record, that it has been our practice when we call a name, but don't have a response to the name called, that we will call it later during the public hearing to make sure we have not missed anyone. Dimid Hayes.

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MR. HAYES: I want to thank you for pronouncing my name right. My name is Dimid Hayes. My address is P.O. Box 9420, Santa Fe, 87504. I'm a

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medical herbalist. I work with people to learn more about what they can do with medicine given us by nature. I'm very familiar with the powers that Mother Nature has given us and the effect it can have on each one of our lives. I have a poem that I would like to read first. It is a poem I borrowed.

"The spirit of love that flows against our flesh sets it trembling, moves across it as across grass, erasing every boundary that we accept, and swings the doors of our lives wide. This is a prayer I sing. Save our perishing earth. Spirit that cracks our single selves. Eyes fall down eyes. Parts escape through the bars of our roots to darken other bodies. Save this earth. The earth is perishing. This ie a prayer I sing.

"The spirit that hears each one of us hears all that is, listens, listens, hears us out, inspires us now. Our own pulse beats in every strangers' throat and also the ground beneath our feet. And teach us to listen. We can hear it in wood, in water and even in stone. We are earth of this earth. We are bone of thie bone. This is a prayer I sing for we have forgotten this. And so the earth is perishing."

For too long the forces of nature have been seen as commodities that we can develop, consume and

discard to allow to go down the river to meet with the neighbor down river. For too long we have seen the river as the escape and we need not care about it. It's all coming home to rest. We're all realizing that we all live down river.

The Waste Isolation Pilot Plant -- the opening of the Waste Isolation Pilot Plant is simply a symptom. The opening of the Waste Isolation Pilot Plant would be a symptom covering up a larger issue, a larger debate that we need to do. I ask that the Waste Isolation Pilot Plant not be opened, because to do so would cover up this larger debate that we, as a nation, need to face in terms of what we are doing to the environment, the planet, our home. We all live down river. Besides all the environmental and safety issues that more technically aware people can deal with, my concern is the opening of the Waste Isolation Pilot Plant would silence this national debate we need to be talking about. Thank you.

MR. EIGUREN: Next call Linda Hibbs. After Linda Hibbs will be John Skinner.

MS. HIBBS: My address is 903 Don Miguel Place, Santa Fe.

MR. EIGUREN: I will note for the record that Mr. Bickel has had to step away for a moment for a

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phone call. He'll be back in a moment.

MS. BIBBS: Last Friday evening my husband, one of our sons and I went to Tesuque, a residential community not far from Santa Fe. Some friends had just moved there and invited us to dinner. We got lost up a winding road and I went to a nearby house for directions. And elderly man came to the door carrying a book in his hand with an obtuse title in higher mathematics and he spoke with an accent. He showed us the way and I thanked him. Sitting down with our friends a few minutes later, I asked them if they knew their neighbor. He said, "No." They knew that he had worked in one of Hitler's labs during the Nazi period.

In the middle of the night I awoke wondering if this kindly man was a resister of his government's policies, or did he work alongside others, passively, compliantly doing his work? For many who are my age, there is a resonance that comes from meeting someone who lived in Germany during the 1930's and 1940's, a curiosity that flickers into a question, "How did she/he respond to the moral sickness that came through the practice of deceit, betrayal, secrecy and violence on the part of the government, along with a profound absence of democratic procedures to address those errors being made?"

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In our society, during the 1980s and 1990s, we are engaged in a debate about the disposal of waste generated by the production of nuclear weapons. What will the outcome be? It will be decided by scientific strategies, in the design and experimentation of ways to contain and to handle these wastes, and by the presence or absence of certain moral constraints in the decision-making process.

It is the moral constraints that I want to speak about during the remainder of my five minutes. I lean entirely on a new book I have just read, Sissela Bok's, A Strategy for Peace, Human Values and the Threat of War, published in March of this year. Bok writes, "Trust is a social good to be protected just as much as the air we breathe and the water we drink. Just as policies of government and our personal lifestyles invite logical disaster until we make individual and collective efforts to change them, so it is necessary to reduce damage to the social environment in which our interaction as humans take place to preserve minimal levels of trust."

There are four moral constraints whose use will determine whether WIPP will be decided fairly. These restraints are restraints against deceit or lying, breaches of trust, excessive secrecy and the use

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of violence. Each one has its complement in a principle of human conduct, truth telling, fidelity, publicity or free speech and free access to information and the practice of nonviolence.

I see a graph with trust and distrust moving up and down it. When these constraints are absent, below a certain threshold, distrust becomes a reasonable response. In societies where deceit, secrecy and uses of violence are extreme, we have civil and foreign war, and appalling examples of morally sick societies like Nazi Germany. Maintenance of trust is a vital part of any strategy for peace, Bok argues persuasively, and I would add, in the resolution of any pressing social problem facing society. 3.2-1

As far as a pressing problem facing society, the citizen's guide to military landfill dumps, Deadly Defense says, "It's a great irony of our age that in the name of protecting national security, we are poisoning ourselves."

So where are we on a graph of trust and distrust with WIPP? I could responsibly cite violations for each of these four moral constraints in the current handling of WIPP by the DOE, and to do so is hard work and important work to do, but I want to conclude with something beside a list of charges.

We are easily caught by overwhelming train of abuses in any human situation of strain. And though I am concerned about the treachery of the situation, especially when disagreement with the government over something as controversial as WIPP is arrogantly censored by our own Governor Garrey Carruthers, and DOE violations have reached criminal levels of investigations, I would like to step back for my remaining half minute.

Unlike the experiment in democratic socialism in Nazi Germany, history's seal has not come down yet on WIPP. We have discovered substances in nature whose chain of reactions exceed previously known powers. Let us respect each other in this moment when we realize our discoveries have made a circumstance far more grievous than anyone possibly could have imagined. In our decision-making and our evaluation of this process of decision-making, let us apply those findings from the laboratory with experiments in moral experience, whose agenda cuts through all political and religious traditions. The agenda is to try to tell the truth, to attempt to be trustworthy in all our relationships, to allow information to be shared and expressed, to learn about and practice the discipline of less violent behavior. 3.2-1

The lethality of Nazi Germany? We are now aware of it. The lethality of radioactive substances to be cared for, not disposed of, from the production of nuclear weapons, specifically those substances destined for WIPP. Their lethality to humans and other living beings is one-fourth of a million years. Let us listen to and learn from one another. We are bound together in a circumstance of decision-making that is wholly unprecedented. Thank you.

MR. EIGUREN: I'll note for the record that Mr. Bickel will be away for a few moments. He'll be replaced by Reed Kaldor. I would next call John Skinner, followed by Mahabba Kauffman.

MR. SKINNER: I'm John Skinner, 903 Don Miguel Place, Santa Fe. I am here to protest the perpetration of yet another crime against the earth and its creatures and its people. For once, my protest is fueled by the possibility of right action, and it vents itself with the accumulated frustration of many seemingly futile protests against the momentum of a well-established nuclear power industry, against the technological Goliath of a defense-based economy, against pollution that has become the breath of our cities, against accidents that have already occurred.

For once, my protest may assume the

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character of a feasible plea. We have already trespassed the threshold of over-exploitation with the earth's environment. Our every action affecting the environment must now be calculated to reverse that dangerous encroachment. As I speak, people around the world still fight for even this foundation, this threshing floor of the democratic process, as a threshing floor for mature deliberation.

Here they have the ability to deliberate in a broadly-scoped manner with the political and financial powers to enforce the results of such deliberations, and with the problem of our nuclear waste, an opportunity, for once, to do something right. Please, do not be so foolish as to spurn a rare opportunity for correcting our mistakes. As a nation founded on the principle of human freedom, we should be the last to neglect the freedom of our intelligence.

Please, reconsider the hurried way in which these very hearings have been conducted, an insult to this freedom. Please, do not withdraw the land from the deliberation of the people. Please, take the time to meet in your actions the highest standards that the current environmental crisis demands. These are also, for us, common standards, standards of freedom, integrity and intelligence. If we fail in an hour of

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greatest need, when all that is required of us is to meet the very common standards of our humanity, then we are fools indeed.

I would like to read a poem composed for this occasion based on a sculpture by local artist Tony Price. It is a true expression of my protest. It is called Western Monument:

"Alone the metal warriors wait, listening to the clank of their ribs in the wind, to the sound of their hearts like grates shuddering and closing.

"At our arrival they bristle like peacocks or fat watches, feigning indifference behind the perfect jewelry of their bodies, their mask of royal metronomic sway.

"Memorial to the Winners of the Next Nuclear War' a plaque reads, antecedently to the glowing threshold of our recollection, rattling at its question like an old license plate.

"This, the plan of the monument' indicating a figure in the South: 'is Alamagordo, to the East, those shining sisters, are Hiroshima, Nagasaki, flexing their Siamese wings in the vapor."

"Westward? Who knows. Some ambiguous beings to be chronicled on the sun's setting disk.

"Admire in them the perfection of mind, the

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rising of biblical ships from desert bones and natural corruption, the towering of cities over immortals, and be amazed at godlike craft.

"Oooh that bellenic brag, incarnate in the modern age, admire the perfect seams and surfaces. If man has made the heroic sculpture of his mind, then here do we admire that proportioned fuselage.

"All the prophets in the world could not read this delphic shield; it bespeaks a time of care. Let us take the time to diffuse the language. We have made gods; we will no longer be indifferent.

"Most all, let us breathe. Standing in silent witness, and in reverence, yes, let us breathe, turning our monuments to pools for celestial narcissi, to harps, for the fingers of western Zephyrus.

"Yes, the West is the best, get here and we'll do the rest. See now the polished ears listening to moonlight, hear instead the cymballed roar of wind in their bodies. They stand shocked on high land, at a fierceness not their own.

"But what moves us away again from the silver memory? A figure on the mount, rising still against the sunset.

"We cannot take it, the Autumn crucifixion, the face of doubt, eternally metal above stiffening

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gresses, an old God thwarted, the sign used to mock him, warning, radioactive."

One final note. I spoke to Tony Price yesterday about the reading of his poem, and he asked me to mention an idea of his to representstives of the DOE. If the DOE is foolish enough to go ahead with the burial of radioactive waste at the WIPP site, let them make one last modification to the TRUPACT containers. Let the final shell of the containers be formed in the shape of a human skull. That way, when they come up a few thousand years from now, people will get the idea. Thank you.

MR. EIGUREN: Our next commentor is Mahabba Kauffman, followed by Richard Miller.

MS. KAUFFMAN: Good morning. To open, I would like to mention some hot facts that result from DOE's activities until now. Gigantic white mutant sponges are growing on cans of leaking radioactive waste dumped near islands 50 miles from San Francisco. Radioactive codfish are being reported in that area. Or "topsied" jackrabbits near the Pantex Plant in Texas show weapons-grade plutonium in their kidneys. Pine trees 100 miles from the Savannah River flats in South Carolina have tritium in their needles, and infant mortality downwind is 250

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percent higher than the rest of the state.

Radioactive tumbleweed has been found in many western states. Radioactive elk, deer, antelope, doves, grouse, waterfowl, rabbit, coyotes, owls and mice have been found in Idaho. Mutated fish with malformed eyes and humpbacked spines have been found near Oak Ridge. The weapons plant at Fernald, Ohio, has released eleven million nine hundred eighty thousand pounds of uranium into the environemnt. Pinon nuts and peach trees at Los Alamos are radioactive.

With this in mind, I ask these questions of the SEIS report: Why the alternatives to WIPP are not properly discussed? Why the possibility of human error is not discussed in any model used to calculate accident or exposure risks? Was it a factor in Chenobyl, Three Mile Island and Prince William Sound? Why does DOE insist on a five-year experimental phase involving 25,000 barrels of nuclear waste without being able to present any valid scientific justification for such action? Why, in all the worst-case accident scenarios, DOE assumes that all mechanical parts, such as filters and o-ring seals, will function with 99.9 percent efficiency and workers with always respond 100 percent as trained in the event of an emergency? Why SEIS assumes that most accidents during WIPP's

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operating lifetime will not result in radioactive releases, when at the same time admitting that under normal conditions there will be routine releases of radioactive material? Whatever that means. Why there is no contingency plan for removal of the waste should this experiment prove incapable of meeting EPA standards? Why the entire SEIS report is based on obsolete, invalid, illegal EPA standards?

It doesn't take a great deal of intelligence to see that DOE is performing true to form, and that despite their glowing reports, WIPP is no solution to this nation's nuclear waste crisis. How can it be, if it will only hold one-tenth of one percent of all the waste we have today? What about the 81 percent of transuranic waste dumped in the pits, ponds, trenches and cardboard boxes around the country? That won't go to WIPP.

This is not national security. This is a national disaster and a result of criminal negligence. An organization under investigation by the FBI should no longer be given credibility and all operations should be suspended until such time as allegations are substantiated and there is restitution in the form of cleaning up all existing contamination. Then, if the nation isn't bankrupt, credible proof of operational

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security.

Gentlemen, I believe that some part of our Constitution still remains unshredded. And, as a citizen of this country, I have a right not only to speak, but to be heard, to demand that our government abides by its own laws and be held accountable for its actions. I know some courageous students in China have died and will die for the belief in this right. I, therefore, demand that WIPP meet the yet-to-be-decided EPA standards and that the TRUPACTS meet NRC standards before it is considered operable. It is never too late to admit a mistake. Thank you very much.

MR. EIGUREN: Ma'am, we didn't get your mailing address.

MS. KAUFFMAN: Route 9, Box 80-MA, Santa Fe, New Mexico, 87505.

MR. EIGUREN: We'll call Richard Miller. We welcome you back to the podium, Richard.

MR. MILLER: Mr. Hearing Officer, I'm also an executive director of Citizens for Nuclear Safety and wonder if it would be possible to make a very brief comment for the record before my talk?

MR. EIGUREN: Sure.

MR. MILLER: I would just like to mention that our offices have received several -- numerous

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phone calls from citizens in this area that have not yet received confirmation of their time to speak. I would like that to go on the record. My address is P.O. Box 9660, Santa Fe, 87504.

I would like to acknowledge the task that DOE now faces in addressing hundreds of legitimate questions regarding the integrity and safety of the WIPP project and the nuclear waste problem that now faces the nation. I would like also to add that I see no answers as of yet as to any viable reasons to justify the placement of waste, for any reason, at WIPP before the EPA standards are met. There are multitudes of questions and unresolved issues regarding the safety of the site that have been raised here, and usually DOE, by law, will have to answer. My interest extends beyond the ability just to answer questions specific to WIPP. In fact, my real concern is that focusing on questions as to safety and appropriateness of WIPP will continue to be the primary focus of the DOE.

We're seeing that the DOE is trying to force a square peg into a round hole. Perhaps we are taking the wrong approach altogether. The real issue is not whether the WIPP site itself is a solution, but whether the entire concept of geological burial is in and of itself the square peg. Common sense

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tells us that the DOE may very well be barking up the wrong tree here. If a project requires a control period of 10,000 years, with so many unpredictable factors, such as the changing earth's climate, the greenhouse effect, and the unpredictable geological and hydrological changes over time, we simply do not have the technology to accurately predict future climate changes beyond 100 years, let alone 10,000 years.

Nor do we have the adequate data knowledge of the potential chemical reactions and vibrations that may occur over time in the burial of many of the toxic materials and compounds in the transuranic radioactive waste bound for WIPP. The risks presently associated with geological burial are too great to gamble with. There are so many unknowns. But even in addition to the unknowns, the knowns are too great to gamble with so little known knowledge as to what may happen over the course of some of time. There's the old computer adage of "Garbage in; garbage out." I think it pertains to nuclear waste as well, when we look at garbage in and garbage out in terms of infiltrating and affecting our environment.

The DOE seems to have developed an acute case of tunnel vision with regard to its pet project, WIPP. In the '60s, it was decided the burial of

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nuclear waste was the one and only answer to the growing backlog of radioactive waste. As a consequence, little, if any, funding has been put into research of alternative technologies for the safe disposal or neutralization of radioactive waste. DOE has since continued to set this course with blind conviction, despite mounting evidence of problems over the years with the ability of any burial site being safe and of many years of concerned citizens, rightfully concerned citizens, opposing the burial of waste in their own back yards.

I'm concerned that the SEIS document states that if WIPP fails to eventually comply with EPA standards that a number of options will be considered -- that's quoting from the SEIS; however, no mention -- certainly no detailed mention to these options found the SEIS, much less funding and development. It is imperative that we recognize the need for research and development of alternative technologies now for the treatment and neutrelization of radioactive waste.

We continually rely upon the philosophy of deferring our problems to future generations. It is time we take genuine responsibility for the byproducts of this technology deemed necessary for the nation's defense. Imagine the amount of research that could be

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accomplished with the $7 billion allocated for the production of a fleet of bombers, if we, the people of the United States -- I say "we" meaning all of us here in this country -- were to spend even a fraction of the funds allocated to this production for bombers for research and development of alternatives to current nuclear waste disposal methodologies. There are many already promising alternative technologies for neutralization, transportation and reprocessing that can be developed. The investments seem small compared to the hundreds of billions of dollars set for cleanup that could ultimately occur; in fact, if cleanup is even possible.

I urge you to remove the blinders that force you to insist that geological burial is the only path to take. Indian testimony regards the earth as a living system and the responsibility that man has to its earth in protecting. It's a reminder of truth that will either ring clear and produce a change in direction or haunt us as a human race slowly deteriorates from the poisons of our own creation, all for the sake of jobs and the blind ego that drives the DOE to insist that geological burial at WIPP very well may be the answer. This must not cloud the conceptions and the truth that there may very well be a better way

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to deal with this waste that's deadly for 240,000 years. A new alternative method must be found in which human beings are not regarded as receptors as they are in the SEIS. I think we owe it to the next 7,000 generations who deserve that we do some alternative research. Thank you very much. 5.3-1

MR. EIGUREN: Next call Elfreda Russell, followed by Anna Katherine.

MS. RUSSELL: My name is Elfreda Russell, P. O. Box 115, Denver, Colorado, 80209. I have come to these hearings as a witness, one who has experienced firsthand the contamination of the Denver-Boulder metro area by the activity and possible collusion of Rockwell International and DOE. That the environment around metro Denver-Boulder area has been violated and poisoned, I have testimony. The Denver City Council in its proceedings has confirmed that there are genetic mutations of animals around the plant, such as incorrect number of toes and other maladies. These observations have parallel confirmation by other persons in Pennsylvania near Three Mile Island. I read for you a description of some of these maladies. 3.1-2 3.2-1 9-2

The complaints from farmers, like Conley, which turned from a trickle to a flood after the accident, testify to whole litters of cats born 9-2

deformed, to chicken eggs that would not batch, to a dog born a quarter mile from the plant without any eyeballs. More than a dozen cows at a single farm mysteriously died. In another, 500 exotic birds expired in mass at an Annville aviary. One 25-year-old mother gave birth to a hydrocephalic child with a single eye in the middle of its forehead. Another baby was born with its brain outside its head.

A friend of mine who lived near Rocky Flats also gave birth to a baby born with its brains outside its head. And gigantism of plants near Three Mile Island and Chernobyl are now commonplace observations. I will read briefly a description of these plants. 3.1-2 3.2-1 7.13-26 7.13.1-8 9-2

"The local press has reported the finding of a 55-pound mushroom, duly submitted to Guinesa. There have been tomatoes the size of cantaloupes, cucumbers the size of large zucchini." In Chernobyl; they describe plants as suffering from gigantism. Some tree branches and leaves are abnormally formed and stamens tend to split. Tree buds have turned into leaves in seasons when they should lie dormant. The population of elk and wild boar seems to have dropped. These genetic maladies are part of an overall pattern of genocide that is being practiced by the United States government represented by DOE and other 3.2-1

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countries involved in nuclear power.

Land owned by my family and other landowners has been contaminated by plutonium, as evidenced by the soil samples we took. A suit against DOE has been settled, yet the land is now uninhabitable for 240,000 years. The city where I was born, once described as a Shangri-la, has the highest reading of plutonium in its air in the world, even higher than Chernobyl. Yet at Rockwell and other federal participants high up in DOE persist in lying and criminally gassing the metropolitan community in the Denver-Boulder area.

In 1981 Rockwell secretly burned plutonium over the area, and I have documentation. The Colorado Department of Health knew nothing of the burn. I enclose documentation. The most recent criminal act is the incinerating of material, including plutonium, no doubt, in the middle of several nights in December 1988. Infrared photos were taken by the FBI that has been investigating the Flats since 1987. Rocky Flats promised in 1987 not to incinerate plutonium and other radionuclides over the metro area with their new incinerator. It violated violently this agreement in December of 1988.

I believe that the metropolitan population

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7.13-26
7.13.1-8
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of Denver-Boulder should massively file suit against DOE for criminal action toward their lives and future lives, based on the genocide codes passed at Nuremberg. Now DOE is opening a new scenario of nightmarish proportions, spreading Rocky Flats throughout the United States. I believe there should be a reconvening of a world court that monitors genocide practice toward other countries, including the United States.

I include documentation on Three Mile Island and plants. I include documentation that the United States is planning to sanction plutonium flights over the northern part of the United States and plans to include a plutonium generator on the space probe, Project Galileo. The discoverer of uranium 233 and former director of Lawrence Livermore Laboratory, Dr. Goff, has this to say, "If the plutonium in the Project Galileo space probe gets dispersed in fine pieces, the amount of radioactivity released would be more than the combined plutonium radioactivity returned to earth in the fallout from all the nuclear weapons testing of the United States, the Soviet Union and the United Kingdom, which I have calculated has caused 50,000 lung cancer fatalities. It is a crazy idea unless shuttle launches are 100 percent perfect."

Thank you for this opportunity to speak.

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7.13-26
7.13.1-8
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MR. ZIGUREN: Exhibit 356 will be the written comments of Elfreda Russell.

(Exhibit 356 marked.)

MR. ZIGUREN: We will next call Anna Katherine. Following Anna Katherine will be Barbara McCarthy.

MS. KATHERINE: Anna Katherine, 700 Camino del Monte Sol, Santa Fe, 87501. I want to thank you for this opportunity to speak. This is a very short prose poem intended for hearts and minds, since we all have both. I ask you to follow it. I take a few lines before I get to a verb or a main thought, but it's all here, so I want you to come with me on a little journey.

Through this country, founded on the promise of liberty and individual rights, through this state, one of the last frontiers of somewhat unspoiled nature and of personal freedom, through this city where people come seeking health and a creative life, trucks bearing radioactive waste may soon be grinding their way. Trucks that sooner or later will have accidents, since they are driven not by statistics but by humans who get tired, who make mistakes; in fact, who don't have experience in hauling nuclear materials, but only in low bidding, thus possibly combusting or spilling

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7.3.5-1
7.3.5.1-12
7.14-9
7.14-15

radiation and hazardous chemicals, perhaps where people are living or were living up until then. Trucks bearing waste for which there is no proven safe disposal. Waste that may seep into the the air, land, and water of New Mexico and Texas. The waste does have a few years in which to leak -- 240,000 years.

Think of the great scenarios here for science fiction. Imagine, 100,000 years from now there's a fable of forbidden magic buried underground, but no one remembers what or where. Then pioneers set out to start a new city in an area that has been uninhabited for a very long time. No one remembers why. An area where there happens to be caves, many caves.

Worse than science fiction, we are initiating a reality whose unknown potentials are so enormous and long-lasting, even though statistically unlikely, once is all it would take. A reality where information is limited and conflicting, and DOE's communication record up until now has been poor. A reality that we do not get to directly vote on, although it could devastate or end our future.

We are all involved, so instead of imposing the WIPP site upon us without meeting EPA safety standards and pretending that solves our nuclear waste

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7.3.5-1
7.3.5.1-12
7.14-9
7.14-15
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3.2-1
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4.1-3
5.3-1

problem, why not slow down? Why not look for a solution that also deals with the other 81 percent of plutonium-contaminated waste already stored underground, poisoning soil and groundwater which WIPP does not address? Our earth is finite and badly hurting. Let us look together for ways to heal her. For a future with hope, instead of a setup for catastrophic science fiction.

MR. EIGUREN: Exhibit 357 will be the written comments of Anna Katherine.

(Exhibit 357 marked.)

MS. MC CARTHY: Good morning. My name is Barbara McCarthy. I teach enrichment classes at Acequia Madre Elementary School here in Santa Fe. I'm here to present the views of some of my students concerning the Waste Isolation Pilot Project. The students are all eleven and twelve years old and they were in sixth grade last year.

Over the school year we have studied many environmental problems, among them the Waste Isolation Pilot Plant. And I'm trying to teach my students that even one person can make a difference. I should mention the names of the students, they are Isobel Konold, Bradley Porter, Bram Cleaver, Elizabeth Kentish, Isaiah Sevet, Hannah Ripley-White,

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5.3-1

and Patrick Tucker.

The toxic waste to be stored at the WIPP site is one of the most dangerous things produced. There is no point in shipping it to New Mexico and endangering our lives along the way. Once it does get to New Mexico, if it leaks it will contaminate the underground water system. If this toxic waste spills, a low-level exposure for 30 to 60 minutes can be fatal. My opinion is if you want to produce this toxic waste, keep it yourself. How would you feel if it was being sent to your state?

WIPP is a simple fact that can kill. People can think it wouldn't hurt or it wouldn't happen. People can say it's nothing. Tell that to the hundreds of people that will die of radiation in the next year. I am a citizen in Santa Fe, and I can't understand why toxic waste has to be shipped all the way across the country. It will not only be dangerous to those in Santa Fe or New Mexico but all the other people in states from which it is being shipped, plus all the people in the states it is being shipped through.

I also feel that the plant for the toxic waste to be stored should be tested greatly before any wastes are put into it. Even if an extremely small

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7.3.5.1-12

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leak occurred, toxic waste could enter into the water system and would cause deadly problems all over the Southwest. Toxic waste will be shipped by schools and through many towns. I feel it is a serious problem and should be dealt with by people who know what they are doing. They should consider all the lives that will be in danger.

Radiation can really hurt, so don't mess around with it. A tiny dosage could kill or cause birth defects. Why are we allowing them to bring such harmful toxic wastes into our state? Are we fully prepared for accident spills and other consequences? WIPP is definitely unsafe, especially for New Mexicans. The Waste Isolation Pilot Plant is here in New Mexico. Why? Why are we letting the nation send their toxic waste here to ruin our land and make New Mexico people unsafe? Let them keep their own poison. Also, what city will be next? Toxic waste will eventually make the whole world unsafe. Please stop it now.

WIPP is something we do not need nor want. It seems to me that if other states wish to produce radioactive waste, then they must take the responsibility to dispose of it. New Mexico is a beautiful state and we wish to keep it that way. With your help as citizens, we will. There is no reason for

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other states to dispose of their waste in our state. If they produce it, they should dispose of it. Please help stop it.

I had another comment. These students had some alternative solutions to the proposal. One of them was to make several public service announcements on radio and TV on all aspects of the problem. Each student took one aspect of the container safety transportation itself. Send letters and these PSAs to DOE, our governor and newspaper editors. Alert people, especially in our schools, using fliers, bumper stickers, slogans, petitions. Try to get all the states to keep their own toxic wastes. These students have asked me to express the concerns about a decision they will have to live with. Thank you.

MR. EIGUREN: We will mark the various letters submitted by Barbara McCarthy as Exhibit 358, for the record.

(Exhibit 358 marked.)

MR. EIGUREN: We will call Pamela Ladas, followed by Cecile Moochnek. 16-Jun-89: TS-00472, PAGE 1 OF 3

MS. LADAS: My name is Pamela Ladas. I live at 950 Agua Fria, Santa Fe, 87501.

We are acting as our own worst enemies by contaminating the environment with radioactive waste

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TS-00472, Page 2

from nuclear weapons production. I believe the threat we present to our own people is far greater than any posed by the Soviets. We need to start protecting ourselves, and the way to do this is not to build more bombs or to build another unsafe nuclear repository, but to start putting our time, money and brain power into research about how to clean up the waste that already exists. 3.6-1

WIPP is not an effective or safe cleanup alternative. As I understand it, WIPP will be receiving 19 percent of the total transuranic waste, a part of it that is already contained and not posing a current threat to the environment or to our health. The more immediate threat to the public safety is the other 81 percent of wastes buried at various DOE sites. The WIPP wastes should remain where they are where they can be safely monitored. If, as you say, temporary storage facilities are running out of room, build more aboveground sites where the wastes are produced. Don't take chances shipping them across the country and putting them out of view in an underground burial site you don't understand enough about and cannot control. 1-2 2.2-1 2.2-2 3.6-1 3.6-2 5.2-1 5.2-2 9-3

770 million has already been spent on WIPP, plus the time and energy of many people. In light of this, I see why it is so hard for DOE and others 3.2-1

TS-00472, Page 3

involved to give up or at least postpone the idea. It's called cognitive dissonance. Once you've put so much time and money into something, it's hard to see it for what it really is. It's hard to be wrong after so much effort has been expended. But does this mean you should go to any extreme to prove your point? That's called pride. When the stakes are so high, we have to put aside our pride in favor of the truth. Here's a good example. At first you claimed the site was bone dry. You were wrong. Now you say, "Well, there's very little brine seepage." How do you know? You were wrong before, and there's a very dangerous chance that you're wrong again. 2.3.1-2 3.1-2 3.1-3 3.2-1

We have heard convincing testimony from many people stating the multitude of problems that exist with your proposed action alternative and the SEIS document: No EPA approval, problems with the WIPP site, hazards of transportation, failure to consider in the factor of human error, failure to consider remote-handled wastes in the calculations of a worst-case accident scenario, lack of NRC certification of the TRUPACT containers, lack of adequate emergency training and equipment, lack of a bypass along the WIPP truck route, failure to consider the effects of low-level radiation. I could go on and on. 2.3.1-2 3.1-2 3.1-10 7.3.1-2 7.3.2-4 7.3.2.2-1 7.3.5-1 7.12.9-1 7.12.9-5 7.13.3-1

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What I ask is this: In light of all these convincing arguments against WIPP, why don't you think it poses a threat? I propose an answer in agreement with Dr. Chellis Glendinning, "We blind ourselves in the face of dissonance." To quote Professor Ladas of Hunter College, "Having made a decision among alternatives, we are likely to forget the disadvantages and remember only the advantages of our choice, to unburden ourselves from diasonance between them. Indeed, we are likely to be open to data in favor of our choice and block out unfavorable material."

Professor Ladas is my father. He died four months ago of cancer, after fighting to the end to get the American Medical Association and the American Cancer Society to start taking valuable and feasible alternative cancer therapies seriously. Again and again these organizations suppressed scientific evidence that alternative therapies were viable. In fact, they falsified data in order to serve their own means. Unfortunately, the SEIS report is a similar injustice to the exploration of alternative means of handling nuclear waste.

We may never convince you, the members of DOE. I wish we could. But what we can do is encourage legislators concerned not to introduce a land

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TS-00472, Page 5

withdrawal bill until the many issues presented by independent examiners and by the citizens of the nation are addressed and resolved.

This is supposed to be the beautiful democratic United States of America. You are building bombs to defend that beauty and our democracy. But let me ask you, gentlemen: What are you defending if you are planning to open yet another nuclear waste dispose site without the approval of the people and without resolving the multitudes of questions and problems it presents? This is not democratic. It is not even intelligent. What are you defending when you are planning to open a site which will further contaminate our earth and endanger the health and safety of many generations to come. This does not preserve beauty. You deny the dangers of the WIPP project. But considering the inadequacy of the SEIS report and poor track record of DOE, should we trust you? The DOE is responsible for far too much contamination of the environment as it is. It is time for this to stop. And it is time to start opening our eyes to the truth, to act from a place of concern and respect for this planet, for each other and the earth which sustains our lives. Thank you.

MR. EIGUREN: 359, for the record, will be

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TS-00473, Page 1

the comments of Pam Ladas. Call Cecile Moochnek. Call Michael Freiberg. Following Michael will be Francis Kean.

MR. FREIBERG: My name is Michael Freiberg. I'm speaking on my own behalf and on behalf of Joshua Baer & Company, my place of employment, located at 116 1/2 East Palace Avenue, Santa Fe, New Mexico, 87501. I would like to begin by protesting the format of these meetings. It was my understanding that I would be addressing all representatives of the DOE present at these meetings. This divide, ignore and conquer strategy of these meetings is indicative of the way this whole project has ignored the concerns of those who must live with it in the future.

I have dedicated my time to working with antique American Indian art, out of respect for the beauty of the art itself and for the traditions it represents. Art in the Native American cultures was an expression, as most of life was, of the love of Mother Earth and the spirit held in and around her. A Navajo woman, when weaving a blanket on her vertical loom, would look through that loom and see the silhouettes of the mesas and mountains which often acted as inspiration for the blanket's design.

We now have the responsibility to care for

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this land and to treat it as sacred. I pose the following questions to those who may have forgotten that as public officials, they bear a great deal of that responsibility. Have the governmental custodians of that land forgotten that they can no longer simply use public land at will? They now face a group of well-organized, vocal people who have a constitutional framework which supposedly backs on. Are these custodians so arrogant as to believe that we are naive enough to let the WIPP project proceed unchallenged? I, for one, plan to challenge this abhorrent project at every possible turn. I would sooner risk injury or imprisonment in civil disobedience than let a waste spill take my life and those of posterity.

Can the DOE and Governor Carruthers truly believe that there could ever be sufficient disaster training and preparedness, when 30 minutes of direct exposure to the first wastes scheduled for shipment causes irreversible chromosomal damage or deformity or even death? Has the DOE already forgotten that one drunk captain caused the blackening of 500 square miles of pristine ocean and land in Alaska? One drunk, tired or distracted driver on St. Francis Boulevard could spell the end of life in Santa Fe and its surroundings forever. Exxon claimed it would begin cleanup six

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7.3.5.1-12
7.12.9-1
7.12.9-3
7.12.9-7

hours after the Valdez spill. It has taken them several months to begin cleanup. Is corporate or government now to be trusted with radioactive wastes?

Does the Department of Energy, Westinghouse, General Electric have any plan that truly guarantees the safety of the waste site? It claims to have a plan for the next 100 years. What about the lives to be lived in the ensuing 239,900 radioactive years? More important than these questions about WIPP are the questions of where the next site might be and the site after that. We all must change the ways we live and think to facilitate the end of the production of all radioactive wastes.

If the Department of Energy and federal government continue to insist that such trash is safe, I submit the proposal that the next dump site be divided into three locations -- underneath the White House, Capitol Hill and the offices of the Department of Energy. I speak to you out of concern for my well-being and that of those around me. I pray that the Navajo weaver never has to look through her loom and cry at what she sees. Thank you.

MR. EIGUREN: Exhibit 360 will be the written comments of Michael Freiberg.

(Exhibits 359 and 360 marked.)

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MR. EIGUREN: We call Francis Kean, followed by Margo Crutcher.

MS. KEAN: My name is Francis Kean, 244 Maynard, Number 2, Santa Fe, 87501.

MR. EIGUREN: Please proceed.

MS. KEAN: I'm a writer here in Santa Fe, and I'm also former director of the Los Alamos Chamber of Commerce. I lived in Los Alamos for seven years and representatives of DOE sat on my board of directors and worked closely with me. I have been in your homes and I've met your children. And I know that, like everyone else in this room, you care about the world your children grow up in; that outside of your jobs you are family men. You are human beings searching, like all of us, for meaning and enjoyment in your lives, and so I want to appeal to that part of you today.

Our world is dying. The way we used to approach life with the idea that there was a vast earth to explore and conquer and natural resources in abundance to exhume and use is over. We cannot afford any longer to operate out of an outmoded mentality that says unchecked profit making and exploitations are our guiding principles, that bombs are our road to peace. We are only beginning to address the results of that kind of thinking. The very fabric of our lives is

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being ripped apart as the reality of the American dream is surfacing. We are a nation bereft of violence and fear, and we are trying hard in our suppressive panic to keep it together.

Out of our collective closets have merged our skeletons: domestic violence, incest, child abuse, alcohol and drug abuse, youth suicide and a depressed and ignored elderly population, to name a few. Is there any one of us here who has not been touched by this in some way? All of us are byproducts of this blind and insane materialism that is robbing us of our very souls. We are now being forced by necessity to clean up our personal garbage. Why, then, do we think that by burying our radioactive garbage we will not suffer far more destructive consequences?

I want to tell you about a tree. In the Santa Fe National Forest north of here along the beautiful, priatine trail that follows the Tesuque River, there is a twisted and gnarled giant Ponderosa Pine. It has been there for centuries watching over the follies of man. During the spring and summer months when the river runs full and cold down the Rock Spring Canyon and the purple vetch and the Indian Paintbrush bloom among the Pinon Hills, people go there to find solace and renewal, to listen to the

TS-00474, Page 3

birds sing and to walk among the towering pines. It's a place of refuge, an escape from their hectic lives filled with shopping malls, concrete parking lots, asphalt highways, unsatisfying jobs, disintegrating families and personal pain. There is something empty and hollow inside, a longing that won't go away, that only contact with nature can and will restore.

Four years ago a governmental land swap threatened to destroy that trail and that tree. A paved road was proposed to be cut from Tesuque Canyon and the area opened for development. People rallied together, as they have here today, to persuade the powers that be to find another route. That trail, so close to downtown Santa Fe people could go there during a lunch break, was the lifeblood of too many people. An alternative route was found and Tesuque Canyon was saved. That grandfather tree still stands today, a symbol for so many people of the truth and the power and the majesty of nature. That tree is not separate from you and I. Its survival is integral to our own psychological, physical and spiritual health. It is the connecting link between us and sanity. Call that tree a lifeline to God, to the life force, the great mystery, the source. Human beings are not lords of this earth. We are part of an ecosystem of which we,

in pompous audacity, are threatening to destroy.

I say "we," not you, not the DOE, the federal government, but all of us, in our greed and our ignorance and our fear are blatantly and systematically murdering the very planet that sustains us and gives us life. I say all this to hopefully illustrate my point that we must find a way to clean up those places already contaminated by radioactive waste, that we cannot hastily bury our radioactive waste like another secret to be stuffed away and take the chance of further damaging our precious and dwindling environment. 9-2

I urge you to wait until WIPP is determined safe by the EPA if we must put the waste underground. 1-3

But more than that, I ask you, since this responsibility has fallen into your hands, to have the courage to find alternative means of storing waste aboveground while initiating a full-scale research operation into waste neutralization and transportation with the same urgency and concern and energy that was garnered during World War II to create the atomic bomb. 5.3-1

The threat to our lives is not less, but more than when Hitler was sweeping across Europe. We must have the foresight now to stop this mentality that believes we can continue to abuse and rape the earth

and not suffer those consequences. Thank you very much.

MR. EIGUREN: Margo Crutcher. Following Margo Crutcher is Ann Marie Woods.

MS. CRUTCHER: Hello. My name is Margo Covington Crutcher of Emerald Green Sound Productions here in Santa Fe. Unfortunately, none of us here have the opportunity to vote on WIPP. But at least I and these other concerned citizens can tell you today how very many concerns we have about the Waste Isolation Pilot Project. There is no way that in the time allotted to me I can cover every concern I have about WIPP, so I will focus my remarks to a few highlights.

In the WIPP SEIS we are told that the radioactive wastes will be shipped to WIPP in trucks. Trains were to be the mode of transport because, as was stated in the earlier EIS, trains are safer. Why the change? And now trucks will be driving down a road that I traverse practically every day and driving within a couple of miles of my home along St. Francis Drive. Although a bypass is being suggested, that wouldn't be finished for many years. 7.3.2-4

I have been in Santa Fe for nine years and have made it my home. Before I moved here, I was a 7.3.5-1

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transportation planner in New York City. I participated in the writing of an EIS, and I know that it's not a matter of if a traffic accident will occur, it's a matter of when. In your SEIS, you do not factor in human error in your equations and models. If you were to factor in human error and the fact that New Mexico leads the nation in drunk-driving accidents, I'm very sure trucking through the state capital would be very ill-advised. 7.3.5-1

And to the people of Carlsbad who complain that we here in Santa Fe are trying to hurt their economy by voicing our concerns about WIPP, to them I say, "Study the long-term effects of radiation on health." There are many sad examples in the United States in the last 40 years, please don't wait until your children are born with leukemia and your husbands and wives begin dying of cancer, or diseases of a weakened immune system. What will those good wages you have been making all those years be worth to you when your families are sickening and dying of radiation-related illnesses? We don't want to have to say, "I told you so." 7.3.5.1-12 7.3.5.4-3 7.13.1-7 7.13.1-8

And to you, gentlemen of the Department of Energy, I would suggest that in the interest of not being accused of illegal segmentation that you consider 7.3.5.1-15

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far more closely the health and safety hazards of shipping. As stated by your agency, "Direct comparisons of doses and risks reported in the PEIS to those reported in the SEIS cannot be made because of the differences in the assessment methodologies and the methods of expressing dose." This blatant "write-off" of health concerns is unacceptable to this voting citizen. And what if the pilot project doesn't meet EPA standards? What will happen to the waste then after the five years? This issue is handled inadequately in the SEIS. 7.3.5.1-15 7.3.5.4-3 5.1.1-1

Finally, I would like to speak today to the issue of segmentation. There are issues of illegal segmentation in the SEIS, but for a moment I would like to bring your attention to a broader segmentation that has not yet been labeled "illegal." The reason all this dangerous waste was produced in the first place was to build nuclear weapons to enhance our national security. We have now produced enough nuclear weapons to obliterate every man, woman and child in the USSR hundreds of times over, and they have done the same. Also in the name of so-called national security the government has pushed through sites such as Fernald and Rocky Flats, that we are only now discovering through FBI action were illegally operated, with little or no 3.6-1

thought to the health and environment of the voting citizens in the vicinities.

We have also segmented our thinking and failed to see how the strength of our national security is based upon our national economy. With defense spending skyrocketing, no pun intended, and our national debt growing to the point of putting our nation in an evermore precarious economic position globally, it seems ludicrous to build more bombs for overkill, that not only pollute our environment and deplete the health of our citizenry, but also make our national economy weaker in the process by putting a strain on the national debt.

Let's talk national security. Stop building the bombs that create this waste. The bombs are killing us. It's a long, slow, miserable waste. 100 years is a long time. 10,000 years is a very long time. And however hypothetical it is today, we must honor those who will be here in 250,000 years as well.

Department of Energy, like in China, history is being written now and you will be in it. How do you want to be remembered by your children's children's children? You can do this much right now: comply with federal law. You have the opportunity to make this work right. To address voting citizens'

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concerns in candid manner -- candid manner, to comply with federal health and safety regulations before emplacement, to not transport the waste on the nation's highways until the TRUPACT has been approved by the NRC, and show the nation how a project like this can be completed in a manner that does not hurry the project at any cost, like has happened so many times before, but rather honors the citizenry and the democratic system that we all value. Thank you.

MR. EIGUREN: Exhibit 361 on the record will be the written comments of Margo Crutcher.

(Exhibit 361 marked.)

MR. EIGUREN: Next call Ann Marie Woods.

MS. WOODS: My name is Ann Marie Woods. I'm a concerned citizen against WIPP. I've been in Santa Fe for eight years now. This is my home. Before living here, I lived in Pennsylvania when the Three Mile Island happened. My experience there was one of fear and that actually this happened and it was an accident. The mute animals and people coming down with cancer, I don't want to see that happen in my own home in Santa Fe. Thank you very much.

MR. EIGUREN: I'll call Lou Mortensen. I'll indicate for the record, ladies and gentlemen, that as I call these names and if we don't get a

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response, I'll call these names later in the hearing to make sure we've missed no one. Call Morning Hegranes.

MS. HEGRANES: My name is Morning Hegranes. I'm a teacher and a businesswoman here in Santa Fe. I am here today because I love the earth upon which we live. My testimony is my humble contribution to help preserve its beauty, its abundance and its very life. I have read and heard much about the WIPP issues, and I am aware of the discrepancy, the inconsistencies and the glaring omissions of the Supplement to the Environmental Impact Statement. Although I could address any one of the WIPP-related issues, it is the overall lack of integrity and regard for human life and well-being that I witness throughout the DOE activities that disturb me the most.

This brings me to my request. I ask that you take a moment, or preferably longer, to shed your professional title, your job description, your function within the Department of Energy, and allow yourself to become the natural human being that you were and are first, before you took on the definition of DOE employee and SEIS hearing panel member. Strip away the burden and encumbrance of the DOE position and consider all of the WIPP political, social, ecological, economic and ethical questions from a personal perspective.

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Spend less time finding interpretations of the facts that support the DOE position and more time reflecting on what is responsible, what is supportive of the common good, what is natural, that is, what serves nature. And perhaps most importantly what is sane. Ask yourself what feels right for humanity and its future.

As long as you continue to hide behind the mask of DOE officialdom, you will likely continue on your path of senseless, heartless and mechanical plodding toward an idea and a goal that threatens the well-being of humanity. Consider the possible consequences of your decision to continue with the transportation and the placement of radioactive waste. Are you willing to live with the effect your decision will have upon the people of this state or any other, if an accident were to occur? Are the diseases, birth defects, deaths and destruction of human lives that are inevitable in the event of a nuclear waste accident worth the increased financial and political power? Do you want this project and the role you play in promoting it to be noted as your personal contribution to our future?

My request is to be the person you are first and to give up being the DOE puppet that you are

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pretending to be. Give up the false sense of superiority and supremacy that produces the attitude of "We know what is best for you and only we can understand the complexities involved." This country cannot afford that kind of attitude and the resulting destruction it produces. This country cannot afford an energy policy that continues to produce, produce, produce nuclear waste without stopping long enough to clean up the existing contamination that has already been irresponsibly and shamefully disposed of in over 3,000 waste sites across this nation. This country cannot afford the transportation and emplacement of nuclear wastes without compliance with new EPA standards as is mandated by federal law.

Once again, consider these and other critical issues from a new perspective, from a perspective of a human being who understands the vital thread of life that connects each of us to each other as well as to the earth. Continuing to slash away at this lifeline will certainly destroy everything that is united by it. Accept the help and input that is available to you. Consider the options, particularly the no-action option carefully and sincerely, not just as a matter of obligation. And allow the time that is necessary to create a responsible and enlightening

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policy and plan of action, as well as possible new technology, that may help us out of this mess. Give your institutional selves a break and begin to listen to your human and intuitive side. And, perhaps most importantly, pray. Pray for insight, wisdom, courage, compassion and understanding. May God bless and help us all.

MR. EIGUREN: Exhibit 362, for the record, will be the written comments of Morning Hegranes of Santa Fe.

(Exhibit 362 marked.)

MS. EIGUREN: We'll next call Hillary Hartz. Suzanne Boshard.

MS. BOSHARD: I'm Suzanne Boshard. My permanent address is P.O. Box 6004, Santa Fe, New Mexico, 87502. I expected to speak after lunch, because I was scheduled for 12:45.

MR. EIGUREN: Would you prefer to speak after lunch? I called you early.

MS. BOSHARD: I'll just tell you what's in my heart. First of all, you found a place that you want to store your nuclear waste in the salt beds 225 million years old. Just the thought of that length of time may stretch the imagination a little, because we're human beings living in a framework of space and

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time which is more limited than that in our perception. The planet earth itself is even older than that. You and I as human beings owe the debt of our entire existence, our ability to be, to the source of life. We owe it. We owe what we are to that.

What I see in the country is that it offers somewhat of a forked tongue to its people. There is a Declaration of Independence somewhat guaranteeing, if anything can be guaranteed in this life, the right to life. And I see that right to life threatened at almost every turn because of the lifestyle that we have developed in this country and because of the mentality of our thinking at the basis of what we do and what we think, not being one that is formed out of appreciation for life.

I am not one that believes that the planet earth is dying -- not by itself. When I look at the planet, I see that layer upon layer upon layer of increase in life expression is there for us exposing the reality that life builds on itself. It does not dissipate of its own. Now, nuclear energy is only one form of expression of what energy truly is. You people dealing with energy, I would hope that maybe you haven't lost sight that energy exists in two parts. It exists in the energy which dissipates and becomes

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explosive, which is the kind of energy that most of you deal with. And it also exists in explosive energy, in the kind of energy we now are calling fusion.

These two kinds or forms are expressions of energy, are part of the same thing, they're both energy. The one energy which is implosion is the energy which increases layer upon layer on the earth. It increases the cells to grow and multiply. It increases life. It increases to perpetuity. Life goes on really forever. It is not destined to die. In fact, it's a folly to think that we can explode our planet and kill it, which our bombs have proven they can do because, in essence, we will destroy ourselves. But do you know what? Life will continue and continue. Look at the stars. Look at the planets that we are in relationship with in this earth. They are only one of millions. And if we destroy ourselves, what do we prove? Not our gratitude for being participants in this wonderful miracle of life.

You, the Department of Energy, with its vague, mysterious organization that seems so powerful and able to wield its way forcefully against the choices of the thinking and voting citizens of this country, I beg you to discern them, do what is necessary to look at the other part of energy

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production. And I would say listen to the prayer of my heart and the heart of many people who have come here to speak, and that we represent hundreds of other people who are not here to speak. We really urgently desire that you use your deciding, imagining and choosing and imposing abilities as human beings and as members of the DOE to change the thrust that your organization is taking, to rally your energies and decisions as scientists together, give them time, the enclosed concentration of space that was given to the scientists at a time when the Atom bomb was first developed because, remember, energy doesn't exist by itself.

Atomic energy is, again, one side of the coin. The other side is there waiting for us to find it. Because it is there in front of us in everything that we look at. A seashell that is spiral-shaped has these two forces in it. The wind Crepes that grow in spiral form are an expression of both vortexian energy that is implosive and explosive because they occur together. We are innovating our planet with an overabundance of weapons which are expressing fusion, dissipation and death. Bombs now that in a few moments of clean kill can really distort everything, at least in our lifetime.

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Again, life will go on in some form. This I know. But what does that prove to us? What really does that prove? How big are we that we can destroy everything, when a tree that stands as a testimony to life as majestic as it is, gives silent witness to the value of life being so much greater than that of death. That's my plea from the heart. That you do what is necessary to look at the regulations that you are imposing and that we beg you to decide about safe standards. Safe standards is just one plea that we think that we have a platform to talk with you on.

The ultimate bottom line is no nuclear waste. Let's neutralize it. Let's change it. Just as a rocket in space that's going one direction and now it's got to change, it takes a great energy involved to move in the other direction, but we can do that. We as human beings have that within us. We have the scientists and we have that information available to us if we will just allow the framework for that to come forth.

The bottom line of the issue -- I guess the immediate issue is simply that you will meet compliance with EPA standards of safety before you do anything with the WIPP site and that you won't jump ahead, as you've done so much times. Obviously, urgency is

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showing something of truer meaning in your statements that somehow nuclear waste is going to be safe to be stored. It if were so safe, we wouldn't want to hide it far away. It's not so much the mass that you're trying to hide, obviously, or to get rid of, it is the force itself that it contains that you know is dangerous.

MR. ZIGUREN: You're out of time. Thank you.

Ladies and gentlemen, that concludes that list of prescheduled commentors we had prior to the luncheon break. I would like to call the names of the individuals who were preregistered to come in. Commentor 80, Nancy Childs canceled her appearance. Tom Andrews. Barbara Blankenship. Aurora Burnell. Rhea Goodman. Cecile Moochnek. Lou Mortensen.

Yes, ma'am?

UNIDENTIFIED SPEAKER: Is it possible that some of those names are upstairs? I was originally scheduled for 11:30 upstairs, and I asked if I could speak down here because the small room is encumbering. Maybe some of those are upstairs.

MR. ZIGUREN: I'll doublecheck that. Thank you. Lou Mortensen. Hillary Hartz. With that, then, ladies and gentlemen, we're now scheduled for a

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luncheon break that will last until 12:45. We will go into recess until 12:45 and resume the hearing at that time. Thank you.

(Recess.)

MR. ZIGUREN: It is now 12:46 PM on the 16th day of June, 1989. This is the United States Department of Energy proceeding 0026-DS, which is being held in Santa Fe for the purpose of receiving public comment regarding the Draft Supplemental Environmental Impact Statement prepared in relationship to the proposed operation of the department's Waste Isolation Pilot Plant located near Carlsbad, New Mexico.

We recessed at approximately 12:00 for the purpose of a lunch break. Prior to that, we were in the process of receiving public comment from members of the public who had preregistered to comment here at this public hearing. What we would like to do now is continue on down our list of preregistered commentors. We're also, in our schedule, accommodating those folks who had registered at the door today who would like to comment, relative to this issue, on the record.

I would like to note once again for the record, my name is Roy Ziguren. I have been the hearing officer for hearings held in the other parts of the United States on this particular issue. I'm with

the law firm of Lindsay, Hart, Neil & Weigler. We have offices in Portland, Oregon; Boise, Idaho; Seattle, Washington; San Francisco, California; Washington, D. C.

As I previously mentioned, my role as a hearing officer is not to serve as an advocate for or against the Department of Energy's proposal in this particular proceeding. I am not for or against what they are doing. I have no vested interest in whether or not the Waste Isolation Pilot Plant commences operation or does not. My sole purpose is to provide two things to the members of the public who are attending this hearing. One, is to obtain information relative to the proposed operation, the WIPP. And, secondly, most importantly, to provide a fair and equal opportunity for people to go on the record with their comments concerning issues they think should be analyzed in the final version of the Supplemental Environmental Impact Statement.

As I had mentioned also earlier, the purpose of these hearings is to receive public comment on the SEIS, which includes hearings not only here, but other hearings held in Atlanta, Georgia; Denver, Colorado; Pendleton, Oregon; Pocatello, Idaho; as well as a previous hearing in Albuquerque, New Mexico, for

the purpose of developing a transcript and a record that will be used by the Secretary of Energy and the Department of Energy in finalizing the Supplemental Environmental Impact Statement.

The SEIS, ultimately, will be used as a basis for a Record of Decision by the department. That Record of Decision will determine whether or not the Waste Isolation Pilot Plant will or will not commence operation at a certain date. Let me note that we do have two individuals from the Department of Energy to serve as a hearing panel. They're here to listen to your comments and, when appropriate, to clarify questions, Mr. James Bickel and Mr. Jim Szenasi from the Albuquerque Operations Office of the United States Department of Energy.

I would like also to point out that the record of this proceeding allows for the receipt of written comments. Written comments will receive the same weight, will receive the same consideration as oral comments that are made here at the public hearing. So if you do have written comments with you, we would very much appreciate receiving it. We'll mark it as an exhibit and put it in the record.

In addition to that, if you don't have written comments with you but would like to provide

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written comment, you may do so by the close of comment which is scheduled now for the 11th day of July, 1989. You can mail your comments to the Department of Energy, an address that we will provide to you at the registration table up front. I would like to note that three individuals have signed up at the door that would like to testify at this point. We will go ahead and take them in the order in which they signed up. We have several individuals who are then scheduled to testify at a time certain. We will work very hard, in terms of trying to adhere to this particular schedule that we have outlined.

We would first call Judy Higginson. Ms. Higginson, would you give your name and address for the record. You have five minutes for comment, and in four minutes I'll turn on a green light meaning you have a minute left. In five minutes the red light goes on. We don't cut you right off, but please bring your comments to a close. Please proceed.

MS. HIGGINSON: My name is Judy Higginson. My address is Route 4, Box 250-B, Santa Fe, New Mexico, 87501. I am the wife and mother of two small children, and I'm very concerned about the WIPP project going near my home; in fact, going anywhere. I feel it is important that the radioactive wastes remain where they

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are generated. This is to ensure that no more will be generated. I am willing to give up my lifestyle. I am willing to give up my need for electricity, to a large extent, if the waste will stopped being generated, because I feel it is a very harmful thing to the planat, to the people. We must stop making it. If there's no other solution besides storing it in a nonsafe place, I feel we must stop making it. I think research could be done to find a safe way. This is not safe.

From all the information I've gleaned, this is not a safe way. It's not safe to transport it the way you've designed it now. I have even heard the TRUPACT containers leak radiation in small doses, depending what is in them. I will not have WIPP come to my state or anyplace in the US. I feel it's imperative to stop making radioactive waste and not knowing what to do with it. It is immature; it's irresponsible of the government. I feel like the government is noncaring about the people.

I feel like Garrey Carruthers is not caring about the people, considering his last comment. And I feel like we do have freedom of speech and we need to maintain that. We have a voice and we need to tell you what we think. And I won't have WIPP here, and I'll do

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anything in my power to stop it. And please, do what you can also, because it's not fair to the land, the planet or the people. Thank you.

MR. EIGUREN: Next call Betty Kennedy.

MS. KENNEDY: Gentlemen, my name is Betty Kennedy. I live at 46 Verona Loop in Eldorado, which is a very lovely section. When we came here we bought there because it was very nice to live in. Now, all the ads that we saw told us that New Mexico was the Land of Enchantment, which I think that this kind of waste material will take away that slogan immediately, if not sooner.

We registered to vote in San Miguel County. That's where we first came. And there we had a Dr. Elliott who had set up a treatment plant for thorium. Our first task was to fight this Dr. Elliott and, I must say, the Department of Energy wasn't much help to us. They had the hearings all right. And I'm wondering if that's what we're having today is hearings where we're heard but we're not recognized when it comes to decisions.

We live, like I said, in Eldorado. There is Highway 285 which we noticed they're widening now. It has only one way out and that is on 285. Should there be an accident, we have no escape whatsoever for

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our lovely homes, our land and things that we've tried to improve to make nice in this State of New Mexico. I came from Amarillo, Texas, and lived in Arizona, and all the time we heard of the wonderful Carlsbad Caverns. And one of the main things we did in Amarillo, Texas, was to bring our guests to the caverns. I think this state with its wonderful tourism can make the money instead of storing something that can be the death of all of us. Thank you very much.

MR. EIGUREN: I would next call Pat Kral.

MS. KRAL: My name is Sky. I'm also known as Pat Kral. My address is Route 2, Box 303-J, Santa Fe, New Mexico, 87505. I have come to add my voice to the many others testifying here against WIPP today, yesterday, and tomorrow and for as long as it takes. What we have been saying is clear. We don't want nuclear waste transported through our city. We don't want it buried in the earth. Can you guys hear us? We don't think it's safe.

Personally, I don't think that you really know what you're dealing with or really what you're doing. In spite of the fixed SEIS reports, I'm not impressed. I think of it as cease and desist with this foolishness. Also, I personally don't trust the DOE to not go ahead with their "solution" on schedule, even

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though there's many questions and many serious, serious concerns. There's leaking caverns, leaking TRUPACTs, human error and calculated uncertainty. With all of this uncertainty why, why put the waste on the road throughout America, across the country here and why bury it in Mother Earth?

First off, what's the rush? Forget about the three-month deadline. This stuff is now stored, supposedly, where it's not a threat to human health and the environment. Take some time. Train people some more. Consider some other alternatives. Come through on the promised bypasses, and do all this stuff before you mess with the waste. Why put through an option with expected deaths and environmental contamination? Why put it in motion when there's danger involved all along the way? Accidents do happen and so does human error.

Do not open WIPP ASAP. EPA standards must be adhered to. It's our protection under the law. Try not to have your minds already made up. Listen to us. Listen with your ears and listen with your hearts. We are the people. We are the majority. This is supposed to be a democracy.

Lastly, I would like to speak a little bit about my home, Santa Fe. It's a wonderful city and an

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ancient settlement -- ancient. Many people are down here because of that, worldwide. Thus, our major economic base here is tourism, and we all benefit from it. Personally, I'm employed as a wood worker, and I definitely benefit from the tourism.

Just the threat of the nuclear transport will keep people away. It will hurt our real estate values and it will hurt our economy. I'm a new landowner here because I love New Mexico. That's the damage that could come just from the threat. If there were a small spill or a small leak -- I don't know how it could even be called "small," it certainly wouldn't be without consequence. But just a small spill or leak could erase the grace of this city from the face of the earth. We have to love it and fight for it or lose it. Thank you.

MR. EIGUREN: During the lunch recess we received several written comments to be placed in the record as exhibits. Exhibit 363 will be the written comments of Denise Kelley of Santa Fe, New Mexico.

(Exhibit 363 marked.)

MR. EIGUREN: Exhibit 364 will be the written comments of Valois M. Pearce from Santa Fe, New Mexico.

(Exhibit 364 marked.)

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MR. EIGUREN: Our next scheduled commentor is Carole-Ann Zeiher. 16-Jun-89: TS-00482, PAGE 1 OF 4

MS. ZEIHER: My name is Carole-Ann Zeiher, and I live at Route 2, Box 610, Santa Fe, New Mexico, 87505. Before I begin my remarks, I would like to have something put into the record that I just learned on coming in here. I heard that Congress is in the process right now of voting to end public input regarding the burial of nuclear power plant waste. And I also learned that Bill Richardson, who is not here at these hearings, has, himself, voted to stop public input.

I'm glad to have the opportunity today, gentlemen, to speak here and share some of my concerns with you about WIPP. I am a massage therapist, a mother and a very concerned citizen. I believe that WIPP is being opened prematurely, that the opening of WIPP will endanger the health and safety of people living along the route, as well as those living and working near the site. As we have heard over and over again during these hearings, the SEIS refers to all EPA safety standards. New safety standards have not been written or approved.

Before the Department of Energy can begin shipping nuclear waste to the WIPP site, WIPP must meet

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new EPA standards, so my more immediate concerns are with regard to transportation. I wonder how safe the shipping containers are and how qualified is the trucking company that would be responsible for transporting the transuranic waste? What about the training of emergency response personnel along the transportation routes? I understand that evacuation plans are no longer in existence.

Hospitals along the WIPP route have not been notified or trained to respond to urgent care needs of potential victims of radiation exposure resulting from a spill. I also understood that local emergency responders must depend on the Department of Energy for notification of an accident or spill. This knowledge leaves me with a feeling of great apprehension. The government and the Department of Energy, I feel, are experts at coverup and have a bad track record when it comes to disclosure of nuclear accidents. How many unsuspecting people can potentially be exposed to radiation from a spill and perhaps never receive official notification from the Department of Energy? The government satellite tracking system can be accessed only with the purchase of an expensive computer system, the cost of which to be borne by local emergency response facilities and

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hospitals.

Gentlemen, these are but a few of the issues which concern me. I would like to share, as well, the feelings that are closest to my heart. I speak today to you with a great love of humanity, the earth and the universe. What we do here today influences all our future generations. Those generations should be the recipients of a world that is clean and safe to live in, not one that is dying from nuclear waste. I would like to see my grandchildren live on this earth with healthy minds, bodies and spirits. I want them to have the opportunity to drink clean water from a clear mountain stream, to breathe air that is safe and pure, to go camping and look up at the stars at night.

It seems to me that the Department of Energy is not looking at the real issue. I think it is time for the Department of Energy to take their heads out of the sand. I ask you to look not only at the physical and environmental implications, but also to the emotional and the spiritual impact of continuing to build nuclear weapons. The time to stop making nuclear weapons is now. I feel that it's time, instead, to return to earth not with the waste of nuclear weapons but to return to the earth with the love and the care

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with which she has nurtured us. Thank you very much.

MR. EIGUREN: Our next scheduled commentor is Joni Arends.

MS. ARENDS: Good afternoon, gentlemen. I have a few questions for you this afternoon. First of all, I would like to read a letter from Mark Cheney who's in the 9th grade in Hobbs. He asked somebody to read this letter to the editor that he wrote to the newspaper.

"My dad showed me a letter he got from Senator Jeff Bingaman which said that Senate Bill 1272 directs DOE to remove all radioactive waste from WIPP by October 1993 if the WIPP experiment fails. I asked my dad, 'Who is going to remove the radioactivity from the water supply if it fails?' He couldn't answer my question. Does anybody have an answer to my question?"

I would also like to submit this for the record.

MR. EIGUREN: We will mark it as an exhibit.

MS. ARENDS: I would also like to submit a letter from Bobbi Smith who is with the Santa Rosa News who wrote an editorial called "WIPP -- Salt is not the Solution," dated June 8, 1989. A letter to the editor by Major J. C. Briggs, dated June 1, and a letter by

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Rita D. Romero, dated June 1.

MR. EIGUREN: It will also be an exhibit.

MS. ARENDS: I would also like to speak for the Mother Earth. I would like to say that I hear her screaming. And I wish I could scream for you right now, but I feel like I'll get thrown out. I would like for you to feel the energy that I feel that the earth is talking through all of us and saying, "Don't put the waste in the ground. Leave the stuff where it is." So I pray now that you can open your hearts and your souls and you can listen to what I'm saying.

Now, in the book called Democracy in America Tocqueville talks about how the townspeople are the core of democracy, and when people are able to share with one another and say, "This is how I feel. How do you feel?" -- that we can talk amongst ourselves and we can have communication, that we can be able to find the discrepancies, the inconsistencies and the problems with the system. By the DOE separating us into three separate groups -- which I object to very, very strongly, because like everyone else has said, people all over the world are fighting for this opportunity, and we have it now and it's circumvented right now.

Tocqueville says, "By not being able to

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talk to one another and find these problems we're not going to be able to come up with any solution." I'm very proud of all these people here in Santa Fe who have spoken and who have come from outlying areas to say, "Yes, let's talk about it. Let's open the communication channels. Let's think about this and create a better solution."

Now, this problem with WIPP is pretty incredible in that we're not at war and we're continuing to generate weapons. The DOE facility at WIPP is scheduled to hold -- one-third of it is filled with waste that's already been generated that's sitting above the ground. The other two-thirds of it is scheduled for waste that's generated from Rocky Flats over the next 25 years to the year 2013, and we're not even at war.

Now, the DOE has lied to people in Fernald, in Hanford and INEL, but they have also -- and you can read about that stuff in the papers -- but they have lied to me personally and I would like to tell you about that. First of all, when I was in Colorado Springs watching the TRUPACT container testing -- or the TRUPACT container demonstration show, Tarek Khraie, who works for Westinghouse, was telling people that they dropped the container on a 14-inch

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spike.

And I said, "Tarek, please tell me how you can say a 14-inch spike?"

He said, "You take an 8-inch spike and you add the six inches in diameter and it is 14 inches.

And I said, "Well, if I go to a hardware store and I ask for a 14-inch spike, they're going to ask me the dimensions. How can you tell the public a 14-inch spike when you're not telling them the dimensions of it? Because there's a problem with there's only ten inches of foam, and if you drop it, it's not going to penetrate because it's only eight inches high." That's lie number one.

Lie number two is last December my friend, Wayne, and I drove up to Spokane, Washington, and to Moscow, Idaho, in order to testify about the new production reactor -- and Judge Roy was there and he is a very kind man. We drove across ice from Denver to Cheyenne risking our lives in order to get up there to testify in hearings similar to this, in order to ask them what they were doing about the waste from this project that they were planning, this new production method.

We got home, and soon thereafter in the New York Times it said that they had covered up the report

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that was written last August that said that they could do the same kind of work that they wanted to do with the new production reactor in the linear accelerator, which we have sitting right up here at Los Alamos.

Lie number three was last night. I have been working with the Zuni Kids about WIPP because they were concerned about their sacred land, about the possibility of their crops being contaminated and not being able to put them in the ground if it's contaminated. They're not going to be able to do the work that they do for the universe.

And they divided those kids up into three groups too, which was very hard, but we dealt with it. And they were told that we would be able to speak first, in order that they could go to bed, because they were scheduled between 9:00 and 10:00 PM. And we were told that we could go first. Well, when we got into the rooms there were other people scheduled before us. And it was very difficult for me presenting this idea of "Come to Santa Fe, please, so we can talk about democracy, and "Express your opinion and these people can help us put out this energy, that we're going to all work together on this." And for the Department of Energy again, in light of these young faces, if you saw them yesterday doing the butterfly dance, to say, "No,

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that's not okay." That's lie number three. That's enough.

MR. EIGUREN: I need to ask you to bring it to closure, if you would.

MS. ARENDS: Therefore, for our protection, I ask our New Mexico delegation for no land withdrawal bill this year or any year, that the EPA standards be met, that the EPA administrators be properly educated on the issue.

I would like to ask another question. How much radiation will a child who starts kindergarten next fall -- if the DOE starts with that, how much radiation would a child from Eldorado get over the next nine years when the trucks are going by? I hope that you can listen to our voices and listen that we are talking for the Earth and we have made that connection with the Earth. And the Earth is talking through us. Thank you.

MR. EIGUREN: The next speaker is John Domont.

MR. DOMONT: My name is John Domont. My address is 369 Montezuma, number 113, Santa Fe, New Mexico. For the last ten years I have been the chief photographer for the Center for Environmental Education, known as the Center for Marine Conservation,

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in Washington D. C. I have for ten years photographed the effects of industry and government on the environment. I have dealt with innumerable endangered species and threatened habitats alike. I speak at this hearing on the WIPP site based on personal and professional experience.

The sin of Hubris, commonly known as pride, is valued to be among the most rank in our parochial society. Our human history is a history of accomplishment as well as one of misplaced pride and dominance which spans a mere 5,000 years of records. To be boastful enough and arrogant enough to even suggest that we can know what this earth will evolve to or what effect our actions will have in the next 20,000 years is not only arrogant and sinful by definition of our own religious standards, but blatantly ignorant and stupidly irresponsible, as well.

Department of Energy, in cahoots with the Department of Defense, is manifesting the disease of our history. At every turn of time our efforts are guided towards our own supremacy at the expense of persons, peoples, creatures and national resources. We are now experiencing that destructive energy is being directly turned against ourselves in this country. How long will we insist that God is on our side, that might

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makes right and that God shines only upon America? God and country are not one in the same, and it is sacreligious to think the two are inseparable. Creation is holy. Those acts which defile that holiness and the sanctity of all life forms, be they human or nature, are acts against God and all of life. A handful of government scientists cannot possibly know the results of their decisions upon generations 200 years from now, let alone those multiplicating effects 20,000 years into the human future.

In 1962 I did a story on the downwind victims of Utah. I interviewed many individuals, families and professionals who live in Utah near the Nevada bomb test site, including Dr. Robert Pendleton of the University of Utah. For seven years the U. S. government funded him to the tune of $1 million a year. His project was to research the effects of radiation in a downwind situation. Specifically he was studying the effects of the Las Vegas nuclear test site on the residents of Utah when, in fact, his studies revealed that radiation effects were worse further from the test site than they were closer to the site. He was immediately fired and put in disgrace by the university and the government.

The facts are that the residents of

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Northeastern Utah have suffered more disease and death than have the residents closer to the test site, because the nuclear particles from the explosions were trapped by the western side of the Rocky Mountains and rained down upon Northeastern Utah.

I am making two points here. The first, which is obvious, speaks to the manipulation of data by the government. This has long been our government's practice. And we have all seen and heard many of those facts surrounding these hearings. It is old news that our government can be manipulative and deceitful. More importantly what I am saying about nuclear radiation is that it is cumulative and becomes more dangerous the further it is dispersed. We all know that all summer long in the monsoon season our weather, our rain in Northern New Mexico, comes to us out of the South. If and when there will be a problem at the WIPP site, as there surely will be, because human error is part and parcel of America's nuclear history, the damage will fly in the wind and rain down on the residents of Albuquerque, Santa Fe and northern New Mexico. What will it do to the state economy when the tourists learn of the threat of nuclear rain, which can and will be trapped here by our various mountain ranges? What will it do to the future of our water and our

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lives, let alone our economy? As soon as there is one accident of this highly toxic material and we experience nuclear rain, the tourism in this state will die. Then what good has this WIPP tragedy done for the growth of New Mexico, its people and its economy?

I charge that you of this panel, the Department of Energy and the Department of Defense, are in violation of the First Amendment to the Constitution. We as American citizens are endowed with the inalienable right to life, liberty and the pursuit of happiness. With the evil desire to determine our lives and force your poison refuse upon us, you have the effect of suffocating our souls. You strip us of a clean and healthy world whereby we might pursue the goals of a richer, more compassionate, healthy, free and peaceful life for all.

But I must tell you as you poison us by trying to force the WIPP site and all nuclear waste, in the name of national defense, upon us, so you poison yourselves and your children and your grandchildren. Your names will be known and remembered. You are responsible and culpable before the law and the sanctity of all life. You represent our government and we the people. This does not, however, give you the license to manipulate data and our lives in order to

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have corporate and fiscal domination.

We will not tolerate profit and power by a few at the expense of the many, and you must reckon with the fact that you are being servants to a destructive and sacreligious machine. I know it, this room full of citizens knows it, and thanks to the press the rest of the country and the world knows it. We need leaders in our government. We need people of honor. I am calling on you and the Department of Energy to do the honorable thing and admit what we know that this is a faulty plan, and find a way in a very difficult situation to return hope and health to our lives and country and help to give a vision of life to this world, rather than one of deceit and decay. Thank you.

MR. EIGUREN: John Domont's statement, for the record, is Exhibit 366.

(Exhibit 366 marked.)

MR. EIGUREN: Exhibit 365 are the written comments of Carole-Ann Seiber.

(Exhibit 365 marked.)

MR. EIGUREN: And the various documents submitted by Joni Arends will be included in the record -- actually, two separate documents. 367 will be the letter of Mark Chaney, and 368 will be the letter and

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attached editorial from the Santa Rosa News.

(Exhibits 367 and 368 marked.)

MR. EIGUREN: I would next call Jane Tokunaga.

MS. TOKUNAGA: My name is Jane Tokunaga. I live at 264 Camino la Tierra, here in Santa Fe. First, I would like to ask you a question. You mentioned that there were five other hearings around the country, and I wanted to know if the DOE is having public hearings in all 23 states that are on the WIPP route?

MR. EIGUREN: It is not.

MS. TOKUNAGA: For the record, I would like to know why not? I am a resident here in Santa Fe. I'm a realtor and a homeowner in Santa Fe. I signed up to speak at these hearings because I'm deeply concerned about the lack of safety of the proposed WIPP site and the lack of credibility of the Department of Energy as the agency to safeguard and oversee the storage of nuclear waste.

The DOE is the same agency that is currently under criminal investigation by the FBI for improper disposal of nuclear waste at the Rocky Flats plant. This same agency wants us to trust them and allow the opening of WIPP, without first meeting EPA's safety standards. I'm deeply concerned about the DOE's

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plan to transport nuclear waste to the WIPP site by truck. It makes absolutely no sense to me. The DOE appears determined to disregard transportation problems. I don't have to be an expert to know that alcohol and safe driving don't mix and that New Mexico has a very high rate of alcohol-related traffic accidents. There are no bypasses that have yet been built, no improvements have yet been done to the roads, and where is New Mexico going to get the money for the emergency equipment and training, in the very likely event of an accident involving nuclear waste?

I am concerned about the impact of this dangerous and poorly-thought-out WIPP project on the economy and lives of the people, not only of Santa Fe but of all New Mexico. Our clean and unpolluted air and beautiful land are economic treasures which form the basis for not just 200 but thousands of jobs in tourism and related industries. What do you think will be the effect on these jobs and lives when we become known as America's nuclear waste dump site or when we have our first serious nuclear accident?

We could be looking at the nuclear waste equivalent of the Valdez oil spill, with even worse ramifications in terms of loss of human life, economic disaster, devastation of our land, air and water.

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There is an alternative which has been raised by experts and citizen groups: Don't transport the nuclear wastes at all. Keep the wastes at their sources of production. Store thee in those containers that you, the DOE, are claiming are so safe until your scientists have developed safe and permanent methods to neutralize them. If the nuclear production sites are safe enough to produce nuclear weapons and, consequently, nuclear waste, then what better places to store and safeguard these same wastes in containers until scientists can develop the technology to clean up the waste that they have created.

I want our legislators on a local, state and national level to make the safe cleanup of nuclear and toxic wastes among their highest priorities. To this end, I suggest that waste be stored aboveground so that they are not out of sight and out of mind. I want Congress and the President to direct the scientists at places like Los Alamos and Sandia, for instance, to launch a major program to develop safe and permanent methods to neutralize the nuclear waste that they have created.

By the way, this does not mean unregulated incineration of nuclear waste. I want the DOE and these scientists to be monitored and regulated by the

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appropriate agencies like the EPA and independent scientist groups and citizen watch groups and held accountable to the Congress and the people of the United States. Thank you.

MR. EIGUREN: The next scheduled commentor is Gary Mauro. I'll note for the record that it's our practice to -- if we call someone's name and they're not here, we will call their name later to make sure we don't miss them. We call Jerri Lou Hammett.

MS. HAMMETT: I would like to preface my remarks by saying that I'm disappointed at how these hearings are fractured. I think this is certainly a very vital subject, and I think everybody has a right to hear the same things you're hearing here. I'm very sorry you chose to do it that way.

I want to start off with a little story about a company that existed in Tucson about ten years ago. It was called the American Thomas Corporation. It actually was a digital watch factory that produced illuminated watch heads and they used tritium in their process. For several years the workers in this watch factory tried to report the fact that the tritium was being mishandled in their factory.

It seems that the vice president of the factory was a member of the Arizona Atomic Energy

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Commission, and they never got very far with their complaint until there was a very severe accident, at which time Governor Babbitt -- I think, he was the governor at the time -- had this place tested. They had the area around the watch factory tested. And they found tritium levels so high.

In fact, the Tucson Public Schools had a cafeteria across the street from this factory and they wound up burying about half a million dollars worth of food. They then went in to clean up the tritium in the plant. The National Guard packed it up. The AEC was there. NRC was there. I'm sure the DOE was there. The governor's office was there. And they packed up this tritium and they moved it from Tucson to Flagstaff. They found out after it got there that the shipment had leaked the entire way.

Now, we all know the history of this country in waste management, especially nuclear waste management. John Glenn's report on the cost of cleaning up the nuclear weapons facilities predicts it will run us over $100 billion to clean up what we have created so far. The report predicted it will take 40 years and $2 billion just to clean up Los Alamos.

I ask you: Are we supposed to believe that these same facilities, that for years have demonstrated

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the worst waste management, all of a sudden have gotten it together and know what they're doing, and now they can safely send this waste through towns and cities all over this country? I don't believe it. I know we're not ready. I know we don't yet have the knowledge to safely handle, dispose or transport this waste. Our roads are not ready.

In Santa Fe we're planning to build a bypass that won't even bypass the city. We're planning maybe eight to ten intersections, eight of them with stop signs where trucks can get off and get on at will. We're planning to place our faith in the hands of trucking companies which were the lowest bidders. We know their paying the least is not a measure for maximum safety.

This country isn't ready. It must begin by recognizing that the last war ended over 40 years ago. We need to stop building nuclear weapons. We need to turn our defense plants into scientific centers, in an attempt to find real solutions for the deadly mess these plants have left us with. And until we have real solutions it is imperative that we do nothing.

MR. SIGUREN: Kingsley Hammett.

MR. HAMMETT: Hanford, Rocky Flats, Three Mile Island, Chernobyl. Do these place names

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conjure up images similar to Waikiki, Big Sur, Aspen, Nantucket? No. Why? Because they are linked to the nation's conscience as being somehow inherently dangerous and to be avoided at all costs. The name Carlsbad once was linked with one of the Seven Wonders of the World. Already it has shifted to the list of seven horrors.

Are we ready for this to happen to Santa Fe? We have spent millions nurturing the image of the name of Santa Fe around the world as a beautiful place where three cultures commingle in peace and harmony, a place synonymous with chic style, distinctive dress and furniture, exciting food, and as the center of health and spirituality.

Are we ready for it to become linked to the world's mind with death and destruction? If not, then just say no. Say no. Say no to the stream of nuclear waste rolling down St. Francis Drive 100 times a year. Say no to Interstate 25 becoming a nuclear highway. Say no to the threat of an accident that can destroy us all.

Every businessperson in Santa Fe and along this route should stand shoulder to shoulder to prevent this insanity from going forward. There is nothing in it for any of them but the threat of losing what they

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have built.

Take a lesson from the greed that drove an Exxon tanker on the rocks in Prince William Sound and in one night destroyed the future of fishermen who had made a living from the sea for generations. They thought it could never happen. They were lured into believing that adequate safeguards were in place to protect them. But for ten years they enjoyed the fruits that the oil brought to their state and their city and their town. They thought it would go on forever and they refused to take a hard look at what would happen if it didn't.

Well, the end came suddenly one night in March, and the unthinkable boiled out of the hull of the ship -- poor ship design, inadequate recovery equipment, a slow response, federal cutbacks of men and material. Human error and judgment and alcohol abuse all came together to destroy the lifestyle of an entire region. Can it happen here? Of course it can, and it will. It's only a matter of time. Thank you.

MR. EIGUREN: I need to get your mailing address for the record, sir.

MR. HAMMETT: 2405 Maclovia Lane, Santa Fe.

MR. EIGUREN: The next scheduled commentor is Bob Watt. Following Mr. Watt will be Cheryl Foster.

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MR. WATT: I am Bob Watt. I live at 1447 45th Street, Los Alamos, New Mexico.

Measurement of gas production by nuclear waste stored in room scale volumes is proposed for test alcoves A1 through A4 underground in the WIPP. The tests are scheduled to last from three to five years, and an "inflatable plug" or other sealing system is proposed. Calculations of the rates of gas leakage into and out of the test rooms through the dilation zone around the rooms and drifts, and through fractures formed in a few years due to salt flow, suggest that the quality of data from measurements in the WIPP alcoves would be far below that from the proposed bin scale tests. 7.11-1 7.11.2-1

No sealing system has been demonstrated, and a system blocking these leakage paths has not been discussed. I believe a satisfactory sealing system can't be demonstrated early enough to be safely used in worthwhile room scale tests using TRU wastes.

I recommend adoption of the proposed second alternative on page IV of the DOE/EIS 0026-DS, and particularly delay of their emplacement of TRU wastes in the WIPP underground until a determination has been made of compliance with the EPA standards for the TRU waste disposal. 1-3

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The second document submitted contains a scenario which combines elements of scenarios previously discussed in DOE Environmental Impact Statements. Several modifications are included in the scenario. Blowout preventers are bypassed, so interception of a pressurized brine reservoir in the castile formation leads to an efficient flushing of the WIPP waste. With surface overflow and/or serious contamination of aquifers in the Rustler formation, aided by high pressure injection to the Culebra Aquifer, contamination of the Pecos River could be a consequence.

Absence of or leakage past a seal between the Salado and Bell Canyon formations, or a water well from the Bell Canyon aquifers broken by salt movements at the WIPP disposal zone, could also flush the WIPP repository. Contaminated brine would rise in the shafts to levels above some or all of the Rustler water-bearing zones, including the Culebra Aquifer. If the groundwater reserves in the Rustler were depleted by agricultural and/or stock farming activities, contaminated brine could enter the Rustler formation and the aquifers. Since the potentiometric head of the injection would be much less than that produced by interception of a pressurized brine reservoir, 7.14-3 7.14-34

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contamination of the Pecos River is less likely.

The processes described in DOE and Sandia reports allow construction of a model for conditions in the WIPP after closure. Salt flow during closure of the rooms and drifts will produce a network of interconnected fracture flow channels aligned with the drifts and rooms. Marker bed 139 below, and seams and marker beds above the excavated rooms and drifts will connect through fractures in the floors and roofs. Depending on drift seal designs, they may be bypassed by fractures in marker bed 139 or in the overhead seams.

Simultaneously, before complete room closure occurs, flow channels to and through much of the waste will exist. Duration of the salt flow during room closure is estimated to be in the range from 60 to 200 years. If the WIPP is closed in the year 2020, closure would near completion in the time range 2080 to 2220.

The gas and oil reserves under the WIPP disposal zone will be worth tens of billions of dollars by the year 2050. Projections published in "The Limits to Growth" show a large drop in the amount of food available per capita before the year 2100, and major fluctuations near the middle of the century. The

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scenario assumes that one or more wells are drilled through the WIPP disposal zone and the castile formation.

The most serious branch of the scenario assumes that a pressurized brine reservoir is tapped, followed immediately by flushing the waste storage rooms and injection of contaminated brine into the Rustler formation aquifers. The second and third branches assume that Bell Canyon brine flushes the WIPP storage rooms, and rises to levels above the Culebra Aquifer. Rates of flow from the Bell Canyon may be low, limiting the rate of flow through the WIPP fracture network and the rate of flow up the WIPP access shafts. Whether the contaminated brine flows into Rustler Aquifers depends on their potentiometric heads. These and other scenarios should be evaluated before placing TRU waste in the WIPP. Thank you.

MR. EIGUREN: The written statement of Mr. Watt will be 369 in the proceeding.

(Exhibit 369 marked.)

MR. EIGUREN: I will next call Cheryl Foster, followed by Robert Ott. For the record, if I call a name and we don't get a response, I will call their name a bit later. Robert Ott. Give your name and mailing address for the record.

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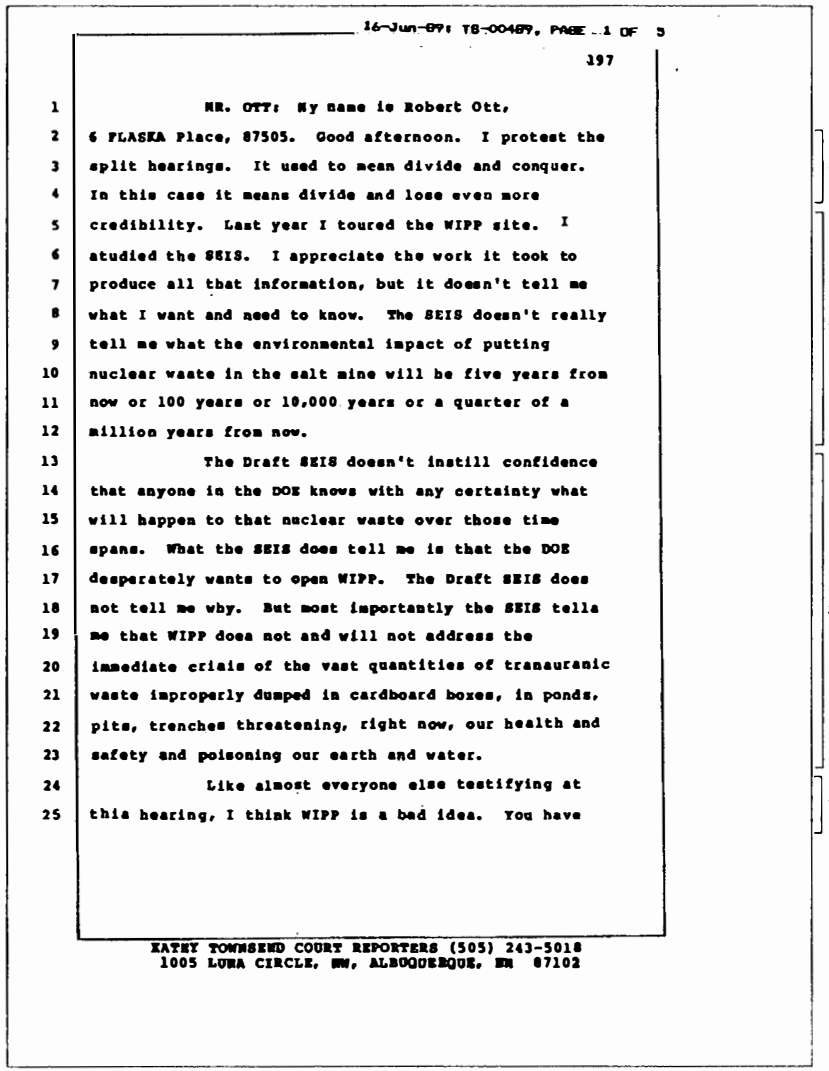

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MR. OTT: My name is Robert Ott, 6 PLASKA Place, 87505. Good afternoon. I protest the split hearings. It used to mean divide and conquer. In this case it means divide and lose even more credibility. Last year I toured the WIPP site. I studied the SEIS. I appreciate the work it took to produce all that information, but it doesn't tell me what I want and need to know. The SEIS doesn't really tell me what the environmental impact of putting nuclear waste in the salt mine will be five years from now or 100 years or 10,000 years or a quarter of a million years from now.

The Draft SEIS doesn't instill confidence that anyone in the DOE knows with any certainty what will happen to that nuclear waste over those time spans. What the SEIS does tell me is that the DOE desperately wants to open WIPP. The Draft SEIS does not tell me why. But most importantly the SEIS tells me that WIPP does not and will not address the immediate crisis of the vast quantities of transuranic waste improperly dumped in cardboard boxes, in ponds, pits, trenches threatening, right now, our health and safety and poisoning our earth and water.

Like almost everyone else testifying at this hearing, I think WIPP is a bad idea. You have

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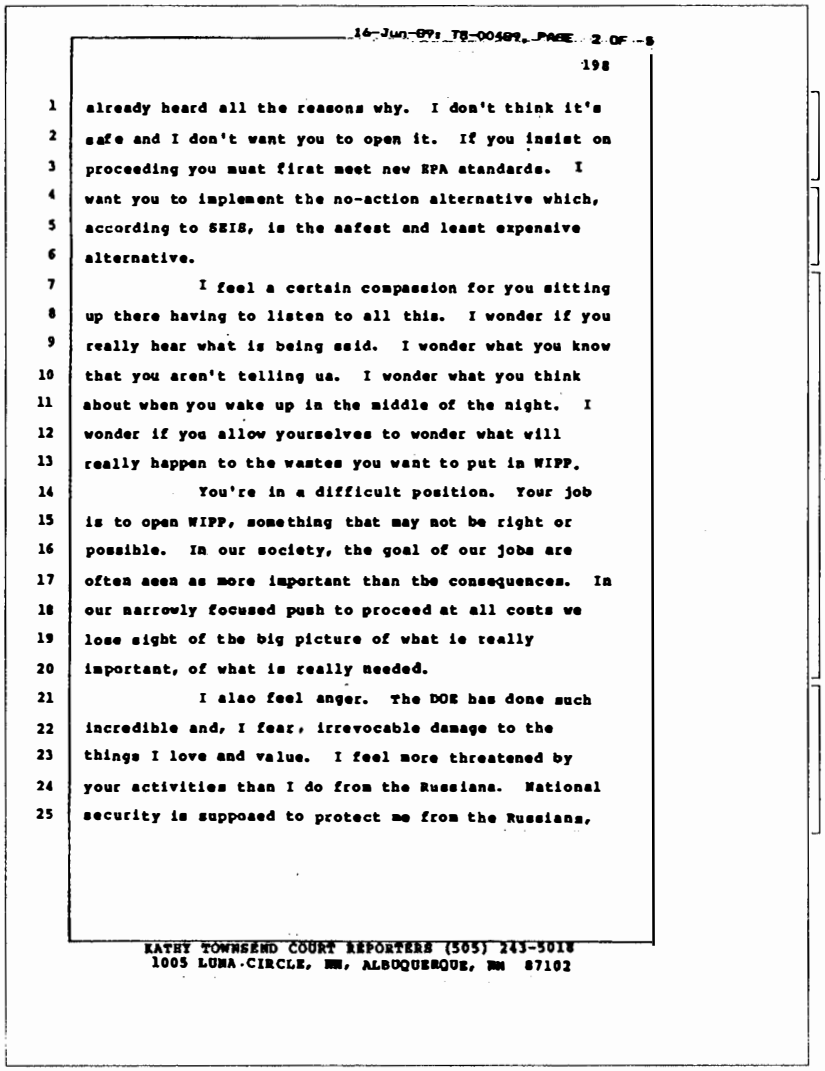

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already heard all the reasons why. I don't think it's safe and I don't want you to open it. If you insist on proceeding you must first meet new EPA standards. I want you to implement the no-action alternative which, according to SEIS, is the safest and least expensive alternative.

I feel a certain compassion for you sitting up there having to listen to all this. I wonder if you really hear what is being said. I wonder what you know that you aren't telling us. I wonder what you think about when you wake up in the middle of the night. I wonder if you allow yourselves to wonder what will really happen to the wastes you want to put in WIPP.

You're in a difficult position. Your job is to open WIPP, something that may not be right or possible. In our society, the goal of our jobs are often seen as more important than the consequences. In our narrowly focused push to proceed at all costs we lose sight of the big picture of what is really important, of what is really needed.

I also feel anger. The DOE has done such incredible and, I fear, irrevocable damage to the things I love and value. I feel more threatened by your activities than I do from the Russians. National security is supposed to protect me from the Russians,

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but who will protect me and my children from the DOE?

I demand that an independent regulatory body outside the Department of Energy be established with the power and authority to enforce health, safety and environmental standards at nuclear weapons facilities. Although you may or may not be personally responsible for the DOE's track record, through association you have zero credibility. Anyone who is at all informed simply does not and cannot believe anything you say. Every newspaper and magazine in the country has exposed the criminal negligence of the DOE's operation of the bomb packers. As present investigations proceed, more horrors will be exposed and more people will awake to the tragedy brought in the name of national security. The crux of your personal dilemma is that you can't reveal everything you know and feel and still do your job. That is because the arena in which you have to operate is tainted by political and economical ambition.

The billions upon billions spent on weapons production is big business, big money, big power, the true nature of which is beyond the understanding of probably everyone in this room. One can easily fall victim to this situation. But almost everyone testifying here is not basing their testimony on

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political or economic gain. They are seeing the truth which, in order to do your job, you have had to block out of your mind. You must use the intelligence which is being offered to you during these hearings to influence your superiors to make the right decisions. You are being asked as human beings to expand your vision to encompass not only the limited objectives of your own jobs, but also the real and profound consequences of your actions.

We are not talking about dull statistics on a printed page or raw data on a computer screen. We are talking about human sorrow and suffering over an immense span of time. We are talking about preparations for either war or peace, and we are talking about the quality of life for our children and their descendants.

We have all, in our ignorance and carelessness, allowed our garden to become overgrown with weeds. We are only just beginning to identify and pull out those weeds. We must work together in this task, for not only our environment but also our dreams of true democracy will generate and our garden will become a hell on earth and there will be no place to hide.

So please reestablish your credibility by

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cleaning up the mess. Establish long-term monitored on-site retrievable storage to deal with what you clean up. Adopt the no-action alternative and hold the waste safely where it is until you research through alternatives to the irretrievable deep burial. Don't make any more waste until you prove you know how to deal with it. With such a policy, we will support you in dealing with the nuclear waste crisis. I am submitting, for the record, information on the Nuclear Guardianship Project.

MR. EIGUREN: Mr. Robert Ott has submitted, for the record, further extensive documents entitled "Nuclear Guardianship Project" and that will be marked as Exhibit 370, for the record. Thank you, Mr. Ott.

(Exhibit 370 marked.)

MR EIGUREN: We now call James Finnell. Following him will be Greg Friedman.

MR. FINNELL: My address is 255 Plaza Canada, Santa Fe. My name is James Finnell. I'm 49 years old. I'm a commercial and fine artist living here in Santa Fe for the last four years. I have never been a radical, never participated in rallies or politics. I've only voted twice in my life. But the events in China the last two weeks made me keenly aware of our rights to free speech. When I saw young people

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dying for the right to do what I'm doing here now, I'm glad to come and speak to you gentlemen today.

I don't know all the particulars of DOE shipping wastes to New Mexico, but I know enough to feel we as citizens of New Mexico are being put in jeopardy by the movement of this waste on our highways. My basic feeling about the problem is that we need to stop this at the source, the creation of waste in the first place. But this is after the fact. The genie is already out of the bottle and we can't put it back.

I realize the tremendous problems you gentlemen have to deal with here, and I certainly don't have any ready answers to the waste problem. But what I would like to suggest to you today is that we all stop being you and them, the DOE, the state, the concerned citizens. Get off our adversarial positions and work together to solve this problem that could affect the existence of mankind in the future.

I understand you have jobs to protect and higher-ups to serve, but I ask you to look inside yourselves, to your souls, to your own integrity, and bring forth a sense of responsibility to this problem that you may have not shown in past. I know you all must have families that you love and want to protect, so when the time comes to want to make a decision on

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this matter, don't look at the money, your position or whatever else may be running you, but look into yourselves for a responsible answer.

A friend of mine was in Washington a couple of weeks ago and had a chance to talk to Senator Domineci. The senator asked him, "What would it take to convince the people that this thing is safe?" My answer to that question is truth. Honesty from the DOE. Tell the truth. Tell the people that you don't have all the answers but your goal is to make this operation the most impeccable product to ever be run by a government agency. The people are out here who want to make this thing work. I ask you, let's not make this another failed government project, another bunch of untruths. We have a lot at stake here, the survival of the human race, so let's work together. Thank you.

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MR. EIGUREN: Greg Friedman.

MR. PRIEDMAN: 990 Calle Catalina.

Good afternoon. I love my country. And I especially love the Southwest. The main purpose of our government, as outlined in the Constitution, is the protection of life, liberty and property. We have spent trillions of dollars in military spending to do just that. Why stop now?

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If we can spend trillions protecting this beautiful land from the potential threat of radioactive desecration and then pat ourselves on the back because it hasn't happened, why stop now? Does it matter to the earth and all its living life forms if that radioactive material came from our own military preparedness or someone else's?

I am aware of the risks of chest x-rays, sunlight, radon gas, but I don't want to move next door to the calculated risk that was Three Mile Island. I don't want tbe calculated risk that was Three Mile Island driving through my town. I know that everyone in tbis room loves this land. I know that no one wants anything bad to happen. I know Exxon is very sorry about the calculated risks the spilled oil caused in Alaska. I know none of the truck drivers of nuclear waste will ever mean to bave an accident if they or someone else they come in contact with bas a drinking problem.

I realize that just because we live in a state with the higbest accident rate that doesn't mean there's going to be an accident. I realize the deadly accident that would occur if a gasoline truck blew up, or if the gasoline truck blew up next to a nuclear truck. The decision we are involved in making here

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could be the most important decision ever made for the sake of the land. It could be the most important decision ever made by us or by our ancestors or by anyone in our whole lineage. Two hundred forty thousand years. A decision that could pale the impact of the Spanish conquistadors or the great civilizations of the Indians or our own recent reshaping of the Southwest. For long past the time when we are a memory, long past the time when great ancient treaties can remember, these decisions will affect this land. For God giving the Ten Commandments to us was just yesterday in the time scope of a decision we are facing. I ask for humbleness. 3.1-2

MR. EIGUREN: The commentor I called earlier and did not get a response, I'm told, is now here. Cheryl Foster. 16-Jun-89: TS-00492, PAGE 1 OF 4

MS. FOSTER: Mailing address is 850 Old Santa Fe Trail.

I always thought Westinghouse simply made appliances like washers, dryers, refrigerators. When I learned Westinghouse was a contractor of construction and operation of the WIPP site, I discovered as well their deep involvement in the entire nuclear weapons production site, even though company officials disclaim the fact that the corporation produces nuclear weapons. 3.1-8

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When a company makes weapons-grade nuclear material for warheads and also fabricates fuel for the production reactors that generate these materials that claim that it doesn't make nuclear weapons has no moral or legal significance. Westinghouse is a principal contractor with four of the most critical facilities involved in this nuclear weapons production site. These facilities are Idaho National Engineering Laboratory; the Hanford Reservation in Richland, Washington; the Feed Materials Production Center in Fernald, Ohio; and the Savannah River Plant, Aiken, South Carolina -- four of the most contaminated sites in the world. 3.1-8

In addition to the tremendous progress Westinghouse derives from these operations, the company now stands to reap further profits from hiding the waste generated at these facilities. At the WIPP site in southern New Mexico Westinghouse, again, is the contractor. If the federal government ever appropriates money for the cleanup of the contamination of the Westinghouse-managed nuclear weapons facilities, Westinghouse will again reap profits. Indeed, this is a very cosy relationship between Congress, DOE and Westinghouse. As Westinghouse hones its waste containment skills, it will be taking home an annual

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profit of about $50 million. This lucrative arrangement is a risk free and earn-while-you-learn program.

Westinghouse employs hundreds of thousands of people to work on weapons production. Since these people's jobs and incomes depend on the defense budget, they have an understandable interest in appropriations for weapons, development and procurement. Fifty percent of the total PAC money Westinghouse contributes to members of Congress are to those who serve on committees that oversee defense policy and weapons production. This fact reflects the importance that the company now places on its weapons contracts.

I wanted to express my disgust for the irresponsible policies of Westinghouse by boycotting their products. However, I recently discovered that they no longer manufacture refrigerators, washers, dryers, toasters or any other consumer products. Westinghouse exists solely upon profits derived from nuclear weapons production. Now they seek to make additional profits by hiding the garbage they are generating. The more garbage they produce, the more money they make. I ask you, gentlemen, what's wrong with this picture?

Under the Price-Anderson Act, DOE and

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Westinghouse are exempt from all liabilities from injuries or death from environmental contamination that results from nuclear weapons production or waste disposal. This exception even covers cases when contractors are guilty of gross negligence. When companies have no financial responsibilities for the harm they cause, they lack in important motivation to conduct their operation safely.

Westinghouse has nothing at risk. The government provides everything. So the return on the investment is extremely lucrative. Wouldn't you like to have an arrangement like this? This arrangement, coupled with the fact that DOE is seeking exemption from complying with EPA standards, is a prescription for disaster at the WIPP site. Thank you.

MR. EIGUREN: Our next commentor is Judy Herzl. Following Judy Herzl is Sandra Polansky.

MS. HERZL: My name is Judy Herzl. My address is P.O. Box 9698, Santa Fe, New Mexico, 87504. First, I would like to state that I object to the way the DOE has handled these hearings, dividing the public, scheduling people late into the evening, notifying people only days in advance of their speaking time and, in my case, giving no notification at all. Is this just another attempt of the DOE to manipulate

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and diffuse the public concern?

We citizens have a right to answers to our questions. We have witnessed the very low value Raytheon gave to human life, as we saw the lack of accountability to those killed and injured as a result of their disastrous accident in India.

This spring we watched the slow "emergency" response and continuing denials that have followed the accident due to Exxon's human error in Alaska. The people of Alasks were assured of public and economic safety and thorough emergency response, just as we, the people of New Mexico, are being aaaured today. We as citizens now know from experience that we can no longer blindly believe these assurances without proven facts.

WIPP and the question of effective radioactive waste storage has become a hot potato passed from one group to another. The conflict is not a matter of pitting the people of New Mexico against the people of Idaho or even heating the conflict of interests between the people of Santa Fe and Carlsbad. The need for an effective and aafe solution is larger than any one community or state and must be addressed on a national and global level.

Safety must be available to all people, and poverty stricken states and countries cannot and will

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no longer accept being bought, manipulated and forced into exposure to toxic conditions in the name of national defense. WIPP is being touted as an economic hero, yet it threatens our major industries of tourism, film, construction, art and small business. Even more importantly what is being ignored is the coat to the state and to us as its taxpayers of providing for the safety necessities the DOE is ignoring such as highway bypasses, road improvement, emergency training and equipment.

I question the absolute lack of adequate medical and emergency training. Although trucks carrying hazardous nuclear waste will be traveling through 23 states, only two hospitals, one in Carlsbad and one in Hobbs, have been provided with appropriate equipment to treat victims of radioactive exposure. Is this because those exposed are assumed to be dead on arrival?

These trucks will be traveling on major routes such as Interstate 40 from California to Tennessee. These are such heavily traveled routes, I cannot help but question the logic behind such a choice. The DOE has an obligation to inform the public of its use of such routes. Will these highways be marked as nuclear waste routes?

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7.2-1
7.2-8

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7.15.4-4

7.12.9-1
7.12.9-2
7.12.9-5
7.12.9-8
7.15.4-4

7.3.3-4
7.3.3-8

As there is no knowledge of the exact chemical makeup of these waste barrels, how can emergency responders effectively provide care? How can these mystery barrels be transported and stored "safely," when it is not even known what is in them? How can the WIPP site be tested and deemed safe with this incomplete data? How can the DOE know how the contents in these barrels will react to: the containers they are stored in, the salt brine and other environmental elements of the WIPP site? And how can we as citizens believe that the DOE will operate the WIPP facility in a safe and methodical manner, when they do not even have records of the chemical makeup of the waste from previous nuclear sites?

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7.12.1-2
7.12.3-4
7.12.9-1
7.12.9-5
7.12.9-7

I question accountability. We are told that GE and the company trucking this waste are not accountable. Who exactly is the DOE? We have watched Exxon, Raytheon and other large organizations hide behind their masks, passing the buck. Who from DOE will step forward to take full responsibility for the safety of the people of New Mexico as it relates to this project?

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3.2-1
7.9.3-1
7.9.3-3

As a citizen of this state, I say no to the WIPP, no to the disregard of the new EPA standards, and no to being lied to. I ask that DOE own their errors

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and acknowledge the unfeasibility of WIPP. I ask that they cooperate with the findings of independent scientists, researchers and public interest groups to find safe, scientific and thorough solutions for the disposal of hazardous radioactive waste. Thank you.

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MR. EIGUREN: Exhibit 371, for the record, will be the written comments of Judy Herzl.

(Exhibit 371 marked.)

MR. EIGUREN: I next call Sandra Polansky, followed by Michele Trahan. 16-Jun-89: TS-00494, PAGE 1 OF 3

MS. POLANSKY: My name is Sandy Polansky, 209 West San Francisco Street, Santa Fe, 87501. I'm the owner of Origins on San Francisco Street, and I am proud to say I am a Business Against WIPP. I don't have a prepared statement and I don't have anything written down. I'm speaking to everyone here and thanking everyone here for showing up. This community won't take this laying down. It not just Santa Fe, it's our love of the whole state.

I feel that not only us as adults in the State of New Mexico, but each one of you who are listening to these hearings have children, it's the future generation that really will suffer. We're fighting for the children right now. And I know that any of us who don't have children, we have sisters who

have children, we have brothers who have children. It's a destruction of the planet and it's beginning right here.

As a business owner, I have been in town in Santa Fe 13 years, and I've watched people from all over the world come to Santa Fe feeling refreshed, vibrant, excited. And I'm watching it affect them, because they're all asking, "What is this WIPP? What is going on? Myself, plus 500 other businesses are telling them what's going on. It doesn't matter what the governor said, because at this point we're telling more about exactly what's going on. We're saying it to every tourist who asks us and some that even don't. We will suffer.

The drunk driving statistics in the state of New Mexico is pretty high. I didn't do any research on it, but it's very high. It's higher than a lot of other states in this country. It is almost inevitable that we will have an accident. After that I think, and I know, that our tourism will go down and our business will never be the same. Santa Fe will never, ever be the same. It's a mecca and it is a haven for people who love it here and come and visit. It's going to change everything. I feel all this energy of the DOE opposing us, and if everybody could work together.

7.2-1

5.3-1

Keep the nuclear waste where it is. And let's work together and decide how to use this in a productive manner so we won't open that WIPP site. We have to work together to decide what to do with this nuclear waste. Keep it where it is.

MR. EIGUREN: Our next commentor is Michele Trahan, following her is Alice Roost.

MS. TRAHAN: I would also like to express my disappointment on the diminished impact caused by the split hearings. I also want to express my gratitude and appreciation to the difficult job the court reporter is doing in reporting these hearings.

It is my hope that one, if not each of you, took the drive from Albuquerque to Santa Fe these last few days as the sun reflected its salmon-colored lights on the Sandias, or that perhaps you took the less-traveled route through Golden or Madrid and captured the highlights and the subtleties of this land of great beauty. For with that passage behind you and these hearings in the midst, perhaps the humbling beauty appealed to your sensibility with a prelude to the next few days considering these testimonials.

Perhaps in our lives we actually do not live long enough to learn from the past or perfect our steps in the present and respect the future. But with

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the knowledge of this limitation, I believe we can correct some of our mistakes and prevent further follies and appreciate the true impact of our actions. I speak on the philosophical side of this double-edged sword to appeal to each of your senses of reasonable human awareness and simple respect for our land that provides so much to you, a land that now is smitten with the prospect of the soils storing nuclear waste.

Staring us in the face also are the technical and economical aspects of the proposed premature opening of WIPP. The frequently quoted $700 million figure is impressive in terms of dollar amounts, but doesn't answer the questions of geological changes, potential and statistical accidents, accident effects on the route itself. Nor do those millions alleviate the negative economic impact relating to tourism, property values and the aspects of fear adding stress on the social environment.

Clearly the EPA-set safety standards have not been met. Geological studies are incomplete, data is unreliable and not enough knowledgeable supervisory backup is available on the site. Even Joe Montana has a backup. Our political structure has a backup. And I bet you hope to God you have a personal backup in case of an emergency.

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3.1-8

In light of these uncertainties yet we push still strongly on the part of DOE to open the site. The question arises: Why? Why jeopardize the safety and health of ourselves and the children that represent our future? And why treat this humble land with this blatant disregard? Is the fear of failure by the DOE thus resulting in blind denial? Perhaps we can equate this fear to the fear of New Mexico residents of this proposed dump site and only the denial aspects is impossible with nuclear contamination malady. Please consider and take to heart these shortcomings and uncertainties, and do not proceed with the opening of this pilot project. Thank you for your time.

MR. EIGUREN: Ms. Trahan, I forgot to get your mailing address.

MS. TRAHAN: 6 Torneo, T-o-r-n-e-o, Road, Santa Fe.

MR. EIGUREN: Alice Roos, followed by Kay McDonald.

MS. ROOS: My last name is Roos. That's R-o-o-s. My address is 109 Victoria Street, Santa Fe, New Mexico, 87501. My relationship to the DOE has been, up to this point, primarily financial. The DOE was responsible for a lot of the money that put me through getting my PhD in physics. And also I relied

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on DOE grants in doing research in nonlinear dynamics at the University of California Berkeley for three years.

Nonlinear dynamics covers a broad area of topics. One example is weather patterns. I currently am doing business in Santa Fe. The business is ISIS International. And I function as a consultant in doing research getting technologies from the lab to the marketplace. Also, I'm a healer. Our culture has been, traditionally, bury your problems; out of sight, out of mind. We bury our rage. We bury our feeling of powerlessness. We bury our chemical wastes and are looking at a proposal to bury our nuclear waste.

There are numerous ways to solve problems and burying them is not one of them. It looks like now with current technology it might be possible to clean up some of the chemical waste dumps that we have. They're now -- out of the 300, I think about 80 are now leaching chemical wastes into the groundwater. I'm also finding safe and effective solutions to the nuclear wastes.

There are also ways to create disaster. When political considerations outweigh technical considerations, you have created the potential for a large problem. As a culture, we suffered through this

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when we watched the Challenger explode. I think we were all aware at that time there were engineers speaking up saying, "Look, we have a problem with o-rings," and yet it's considered politically expedient to go on with the shuttle flights.

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The DOE has done a study of the salt dome. In Lyons, Kansas there was a 15-or-more-year study of a dry salt dome. Many questions were raised on the migration of liquid to salt due to nuclear -- due to nonlinear thermal conduction. That's a fancy way of saying the radiation is hot. So that even if you have a dry salt dome -- and I, of course, want it on the record that the one in New Mexico is not dry -- even if you have a dry salt dome, hot radiation draws liquids. We have a migration of liquids due to the heat of the radioactive material.

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I asked the DOE for public statements making questions raised by the Lyons, Kansas investigation and proof that the salt cave in New Mexico is safer than the site that was rejected in Kansas. Because I, for one, think that the health of New Mexico is as important as the health of those in Kansas. My second point is that DOE needs to demonstrate competence in dealing with nuclear waste.

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Do you remember after the Chernobyl

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accident looking at the maps of radioactive levels throughout the US? Does anybody remember? Santa Fe was a hot spot. I would like to go on public record that there's no weather pattern that can bring up that amount of radiation from Chernobyl and safely conduct it through the countryside and put it over Santa Fe. Our national lab took that disastrous opportunity for a midnight dumping of radioactive gas. They did this purposely at a time when they knew the public would blame the Soviet Union for the problem.

DOE needs to demonstrate competence in cleaning up and safely disposing of the nuclear waste. New Mexico needs proof that this agency, which has criminal indictments in two states, is genuinely proposing a state solution for the nuclear waste we already have. To accept more nuclear waste before we have dealt with the stuff we already have is irresponsible. I don't care how many jobs it creates.

I ask the DOE to submit the plan and calendar of action to safely dispose of the Los Alamos waste before we assure other states that we can take care of their problems. New Mexicans deserve better than midnight dumping. To deny the difficulties is not a solution. That's the way to create a national disaster. Thank you.

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MR. BIGUREN: Our next speaker is Kay McDonald.

MS. McDONALD: Hello. My name is Kay McDonald, and my address is PO Box 152, Dixon, New Mexico. I'm a mother, and coming up to speak like this is hard for me. My family and I live just off Highway 68 to Taos from Santa Fe, which is one of the main routes that will be used to transport nuclear waste, I'm sure, especially from Rocky Flats.

My husband works about 25 yards from Highway 68, so we're pretty close to what's going on. I have a lot of concerns, and I've spent a lot of time thinking about what I could say that would make an impact. I'm not a scientist. And the few facts that I do know make me uncomfortable with radioactivity in any form, whether it's for nuclear energy or nuclear weapons.

I don't like fact that the Department of Energy representatives are sitting above us. I feel that this is just representative of how the process works with the Department of Energy. You, as an arm of the government, and on the 2,000-page report, the Environmental Impact Study -- and I'm sorry I didn't read all 2,000 pages -- you set up the criteria, you set up the evaluations, you hire and fire scientists as

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it fits in with your criteria or what works, and you decide what our comment means to you and you publish more findings. And yet I don't feel that five minutes of my time is enough time to address all the serious matters connected with WIPP and the disposal of our nuclear waste.

No one is paying my salary to come here and talk to you. No one supported my time, except for my husband, while I tried to do research into WIPP and tried to study the Environmental Impact Statement. You are paid by us, and I feel that you are not serving us. You are serving others that we cannot see.

I have a few points that I would like to bring up. Radioactive waste remains radioactive for 240,000 years. That's much longer than we've even been around. The Environmental Impact Statement says that 10,000 years is the longest amount of time that I've seen that the waste is to be isolated at WIPP. What happens after 10,000 years? What happens to generations that come in 11,000 years, if there are any?

The containers that come from Rocky Flats, nobody is going to know what's in them. The DOE says it can't or won't open these containers, so they're going to guess what's inside. I don't like this. I

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7.9-3
7.9-5

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see the reason that WIPP is being rushed open, because Rocky Flats is obviously hot. They sent 70 FBI agents -- 70, to check this out. That's pretty serious, even for a lay person like me.

The nuclear power plants that have shut down, such as Savannah River, these places all need somewhere to put their nuclear waste. They don't want it. They're afraid of what it's going to do to their environment. But I think the thing we have to understand is that we only have one environment and that's our mother the Earth. If we do not really figure out a good way to dispose of radioactive waste that we have already created, it won't matter where it lives -- if it's Chernobyl or Savannah River or Los Alamos.

Santa Fe has one of the highest cancer rates in the nation. This isn't because we all love the sunshine. This is because of our proximity to Los Alamos. The highway that I live on that I drive to Santa Fe on is the highway the trucks will be using. This is same location where a huge boulder fell off the gorge and sheared off the front of a bus last winter. Why were tests like this not conducted on TRUPACT containers, when there was admitted that the crush tolerance is one of the most important? No tests like

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7.3.4.1-1

this were conducted.

There are lots of polls. And I hear people asking the Department of Energy to be responsible, to change their ways, to be honest, to care about the people and on and on. But I, personally, don't trust the Department of Energy. And I don't think they will ever serve people. I feel that if there is ever to be a safe and sane solution to the world's nuclear waste it must come from a group of people who are not self-serving, who don't have ties to industry, and who haven't been in their positions for years and years. I think people like myself, mothers, would be some of the best people to decide what's going to happen.

I hope that all of you, James and Jim and Roy, that as you sit here you will let go of all your preconceived education notions and ideas and really perceive how the people of New Mexico really feel about WIPP. And to understand that if there was more information and public education about the WIPP process that this room would be standing room only right now, because the people of New Mexico care and I feel like we've just begun to fight. Thank you very much.

MR. EIGUREN: Ladies and gentlemen, we have been on the record for approximately an hour and a half. We need to allow the court reporter a break. We

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will go back on the record at 2:45.

(Recess.)

MR. EIGUREN: Ladies and gentlemen, it's now 2:46 PM on June 16, 1989. We will now go formally back on the record to continue or resume our public hearing being held here in Santa Fe, New Mexico, on June 16, 1989. This is a Department of Energy hearing for the purpose of receiving public comment on the Draft Supplemental Environmental Impact Statement on the Waste Isolation Pilot Plant.

We are now at the 151st order on our witness list. That means we have gotten to at least 151 commentors here in Santa Fe. That's exclusive of what's happening in the two other hearing rooms where simultaneous hearings are being held. The hearing panel for this segment of the program is Arlen Hunt, who is a deputy director of the Waste Isolation Pilot Plant, and Pat Sallani, who is the director of public affairs for the WIPP.

My name is Roy Eiguren. I'm the hearing officer. As I've mentioned so many times before, I'm not employed with the Department of Energy. I'm an lawyer. I'm an attorney in private practice with the law firm of Lindsay, Hart, Neil & Wiegler. My sole purpose of being here is to conduct these hearings in a

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fair and equal way and give everyone a fair shot on the record to state their concerns about the project.

We do have room built into our schedule to allow walk-in registered folks to comment during our session. And we do have several people in that category, so we will take them first. The next individual is a city official, so she is entitled, under our rules, to ten minutes to comment. She is the city councilor from the City of Santa Fe. Her name is Debbie Jaramillo.

MS. JARAMILLO: My name is Debbie Jaramillo and I am a Santa Fe City councilor. Just the other day we had a four-car pile-up at the intersection of St. Francis Drive and Cerrillos Road. It's a local gain to see how many cars can get through a given intersection after the light has turned red.

New Mexico suffers the highest rate of accidents and deaths due to alcohol in the entire nation. Our planned so-called bypass is nothing more than an intercity arterial drawn, no doubt, to make a profit for some of our favorite developers. By the time it is built it will slice through highly populated sections of the city. It calls for ten intersections, eight of which will have nothing more than a stop sign. Those intersections will, undoubtedly, develop into

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commercial strips and several may well sell alcohol.

The route will pass within blocks of several of our public schools where I happen to have three boys enrolled. I would like to believe that there will never be an accident involving a WIPP truck, but I know better. I would like to believe that we have police and firemen adequately trained and equipped to deal with an accident once it happens, but I know better. I would like to believe that someone in the Department of Energy has thought about what to do in the event of a tragedy, that someone has developed an evacuation plan, that we have communications and roads of contingencies in place, as 60,000 people in the middle of the winter or hundreds of thousands in the middle of the summer scramble for their lives, but I know better.

I was elected to the City Council in this city and charged with protecting the health and safety of its citizens. And I, for one, take that responsibility very seriously. There is no way this city can take the chance that the inevitable will not happen sooner or later. The best intentions aside, no one involved in this disaster in the making has the experience to foresee what will happen. Nor do they have the expertise to institute measures to protect the

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people of Santa Fe from the consequences.

Go back to your drawing boards. Go back to your leboratories where this madness originated. And go back to your defense plans where this lunacy has continued for the last 50 years. Divert money from bombs into money for waste research and solve this problem once and for all. Then come back to us when you can prove you have the right answer. Until then, leave the waste where it is, stop producing more of it and do not waste our city. Thank you.

MR. EIGUREN: Thank you. We appreciate your presence here today. I would next call Hilde Schwartz, followed by Ted Seely.

DR. SCHWARTZ: My address is P.O. Box 156, Dixon, New Mexico, 87527. My name is Hilde Schwartz. I have a doctorate in earth sciences from the University of California and work as a geological and paleontological consultant in northern New Mexico. I have a husband and a small daughter.

I have not been involved in the geological investigations of WIPP, but since I moved to New Mexico five days ago I have been following the succession of geological and hydrological reports that have emanated from the project, including those of the Department of Energy, the Environmental Evaluation Group, and the

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Scientists Review Panel. As a geologist, then, I would like to offer my opinion of the geological soundness of WIPP, based on the study of these documents and my own understanding of evaporite geology.

Salt deposits are inherently unstable, as any geology department undergraduate could tell you. I gather that the Department of Energy intended to capitalize on this fact at WIPP, envisioning that the mobile salt beds within the Salado Formation would surround and entomb deposited waste within 100 years or so. Unfortunately, the Salado Formation has proved more unpredictable than anticipated, both in terms of rate of creep of salt and location and rate of flow of enclosed brine. The salt walls of already excavated chambers have developed unforeseen cracks that have been buttressed with roof bolts. This rate of creep is two to three times faster than expected by the Department of Energy, and could well mean that the waste which will be deposited at WIPP in the next five years will be irretrievable. It is utterly unjustifiable for the Department of Energy to open WIPP before it meets EPA standards, under these geological circumstances. If anything goes wrong, we in New Mexico, not DOE, will be stuck with the long-term contamination problem.

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The location of brine pools and the rate of brine flow in the salt immediately surrounding WIPP further suggests to me that there is a real possibility of something going wrong in the form of surface, water table, and/or fluvial contamination from the site. Most troubling is the brine content of and the rate of movement of brine within the Salado Formation, both of which are much greater than originally assumed. Once waste is deposited in the excavated rooms, inordinate amounts of brine collection would inhibit the encroachment of solid salt. And if, rather than being safely locked away in dry salt, deposited barrels of waste are surrounded by brine, they will surely disintegrate, eventually to make pools of radioactive liquid.

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This liquid might well be under enough pressure, due to the creep of salt and gas produced from the decay of both radioactive and organic materials in the waste drums, to escape into the overlying water table or to the surface by means of either manmade or natural cracks and fissures. The existence of a brine pool in the Castile Formation, 800 feet below WIPP is similarly disturbing. The Earth Technology Corporation estimates that 17 million barrels of pressurized brine lie beneath the site. If

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ever tapped by either human or geological agents, the brine would try to push its way to the surface and, due to its location, would have a good chance of carrying toxic and radioactive materials from WIPP along with it. As the DOE moved the original location of WIPP to avoid just such another brine pool, it is clear that this only-lately-discovered feature dramatically increases the vulnerability of the site.

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Finally, WIPP is in place on the planks of the Rio Grande rift, a very dynamic geological feature whose evolution we cannot predict. So aside from the associated problems of container design, of waste transport and the radioactive level of the waste deposited, geologically WIPP is an accident waiting to happen. If the DOE insists on opening the site, despite EPA regulations and the warnings of geologists and hydrologists, it will not be a matter of if but a matter of when the disaster will occur. It may not even be in the next 100 years, but leakage from such a mobile, wet, soluble body of rock seems inevitable to me. This site should be abandoned.

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Be fair to our heirs, to say nothing of our planet. We should be choosing waste repositories that have a good chance of at least 100,000 years of stability. There is no spot on earth that is utterly

100 percent geologically stable. This is a difficult task. But surely we can do better than wet salt beds in southern New Mexico.

The crust of the earth is dynamic and ever-changing and, ultimately, not suited to the long-term storage of poisonous materials. Rather than spending so much time and effort on weapons research and development, nuclear technology and short-term solutions to the resultant waste problems, the DOE should be developing alternative energy sources that are compatible with the geology and biology of this planet. Thank you.

MR. EIGUREN: Mr. Ted Seely.

MR. SEELY: My name is Ted Seely. I live at Box 234, Dixon, New Mexico, 87527. Welcome. I would like to go on the record as adamantly opposing the divide-and-conquer situation that we have here in three separate rooms. It unfairly weights our community's opposition to this project. We're being asked to receive their waste here for thousands of years, and we should at least be accommodated to make comments on it for all to hear.

Sometimes I think it doesn't matter much anyway. This information we are presenting is for the review of the DOE to make their final decision.

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Sometimes I think their mind is already made up. Since a great deal of this information presented was of an emotional nature dealing with feelings and concerns for future generations and the health and well-being of the earth and other spiritual concerns, sometimes I don't think there is anyone in this level of government that has the capacity to relate to that topic, let alone seriously consider it. I get the sinking feeling we're talking to ourselves.

My affiliation in this matter is that of a concerned individual. I have been aroused to this participation by the words, "Speak now or forever hold your peace." They seem to sum up this entire issue. This is an issue of pollution. And pollution is getting a lot of attention these days, and rightly so. In fact, it's become a major issue facing the entire world. It used to be the threat of nuclear war, but that has passed. Now our polluting wastes are catching up with us with a vengence. It's stacking up in cities, fouling our rivers, oceans, beaches, atmospheres, falling on us as acid rain and dissolving into the ozone air.

Pesticides, herbicides, chemicals and all kinds of foreign crops are fouling the food we eat. In fact, the ramifications of pollution is changing the

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earth's climate. And most of this information is known even to grade school children and yet we plod on.

The WIPP plan for New Mexico is a problem all right, and a serious one. But it's really just the tip of the iceberg. The real problem is the thinking that produces, on one hand, the most violent form of mass death and, on the other, slow, insidious, needless sickness and death. This is a no-win situation. The problem is not the conglomeration of governmental agencies known as the DOE and its alter ego, the Defense Department, and the pantheon of large corporations and companies who employ this huge accumulation of very talented people that are given gigantic contracts. This in itself is not the problem. In fact, this huge well-oiled machine with many tax dollars has only one flaw: it doesn't produce anything useful. Very expensive time, vast accumulations of talent and nothing useful. To a society and government so caught up in finance, this doesn't make much sense.

So this is not all on the dark side, let me propose a little scenario to try and alleviate the situation. What we have here is an energy problem. No, not the kind that requires another nuclear power plant. It is a pretty basic problem really and fairly obvious. It's even simple to fix. It doesn't require

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grabbing this huge well-oiled machine by the arms and trying to swing it around. In fact, this huge well-oiled machine and its capabilities is a great asset.

Like I said, it's an energy problem. When they're assembling this machine and hooking it all up, it turns out that the electrician has managed to wire it wrong -- you know, the human error factor. They hooked it up backwards and reversed the polarity. They just hooked the negative to the positive and away we go. So all along this huge machine capable of wonderous deeds for all humanity has been working in reverse. Instead of one good strike after another, we have been receiving a constant barrage of incidents of death and pestilence.

That was unfortunate, but the best part is that it's easy to fix. Your electrician will tell you that by reversing the polarity you only change the flow of energy. All the same forces are still intact, the machinery doesn't change, the same parts move, they just move in the opposite direction. Wouldn't it be wonderful to have a huge well-oiled machine made of some of the country's best talent committed to humanity and the betterhood of man and clear air and water and new sources of energy and transportation, clean

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agriculture production methods? We would live in the Garden of Eden.

No more complaining about where your tax dollars are going. A new source of pride would wash over the country. People would have a reason to feel whole. Things would improve in every sector. A course with a clean conscience. You could feel good about your job. It's very satisfying to be doing something useful.

Yes, this is an energy problem or a problem with energy, and leadership is the electrical contractor here. This contractor is not fulfilling its obligation to the people. There is no leadership, no vision for the future, no inspirational challenges, no directions of encouragement to itself, no better-world scenario and no new-world thinking. You see, thinking is the electricity and power which the human endeavors. What an opportunity to put some pride in our national accomplishments. I'm talking about ideals. There is some talk about America losing her edge. If she is, it's not because we don't have enough new bombs or because of foreign competition. It's because we have been trading ideals for the biggest profit. She got that edge in the first place by holding her ideals high. The only thing being held high these days is the

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financial page, and maybe it's time for leadership to look up from the profit and loss statements and see the helplessness of this direction.

If we listen to the sobbing of the environment, if we once again take hold of the issues that really matter, all the other ones will fall into place. Let's say, for example, that leadership put forth a goal as a directive to really clean up this country by the end of the century. The president could inspire businesses and the entire citizenry to get behind this plan. I think you would have enormous broad-based support for a plan like this.

It would start at home and spread out from there. It would affect the rich, the poor, grandmothers and children, be totally bipartisan politically, and could affect enormous changes in a very short time. The effects would be positive and make people feel good. This would spontaneously produce new technology for tranforming wastes and turn the process of trash and other related recycling projects into a booming, new mega-industry.

MR. EIGUREN: Mr. Seely, could I ask you to try to wrap it up, sir?

MR. SEELY: The CG plant will grow. If we can rid this country of pollution by the end of the

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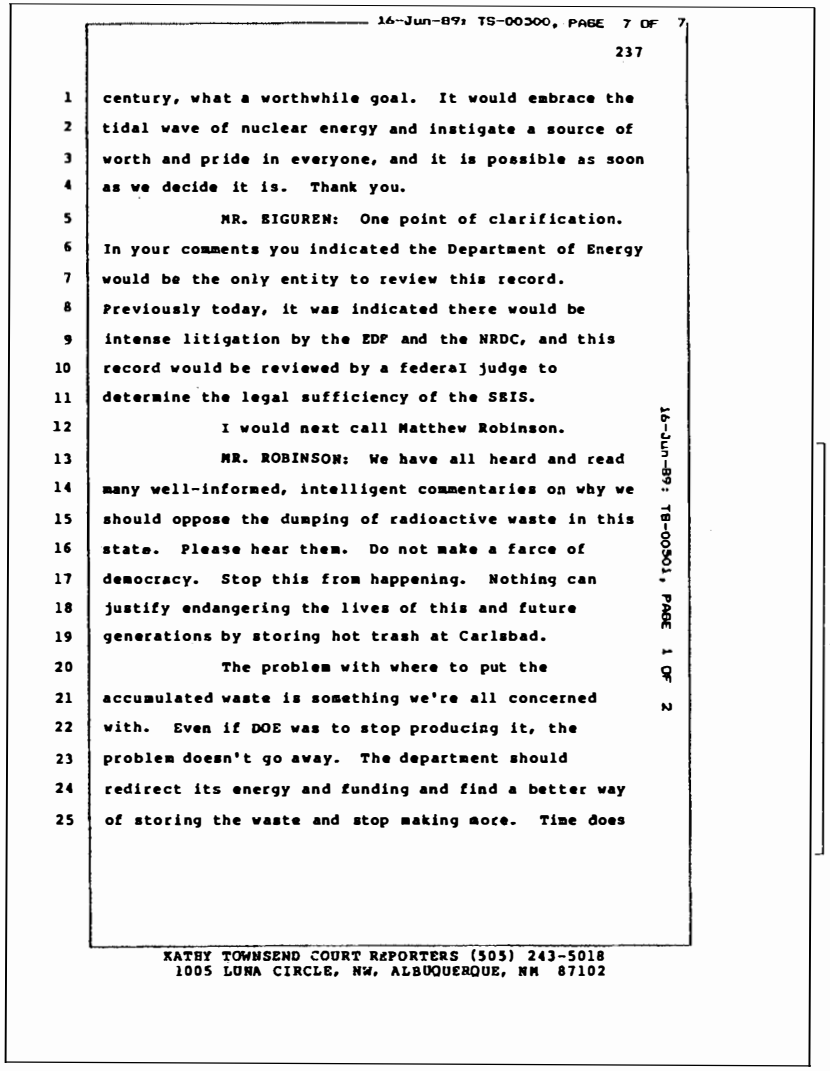

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century, what a worthwhile goal. It would embrace the tidal wave of nuclear energy and instigate a source of worth and pride in everyone, and it is possible as soon as we decide it is. Thank you.

MR. EIGUREN: One point of clarification. In your comments you indicated the Department of Energy would be the only entity to review this record. Previously today, it was indicated there would be intense litigation by the EDF and the NRDC, and this record would be reviewed by a federal judge to determine the legal sufficiency of the SEIS.

I would next call Matthew Robinson.

MR. ROBINSON: We have all heard and read many well-informed, intelligent commentaries on why we should oppose the dumping of radioactive waste in this state. Please hear them. Do not make a farce of democracy. Stop this from happening. Nothing can justify endangering the lives of this and future generations by storing hot trash at Carlsbad.

The problem with where to put the accumulated waste is something we're all concerned with. Even if DOE was to stop producing it, the problem doesn't go away. The department should redirect its energy and funding and find a better way of storing the waste and stop making more. Time does

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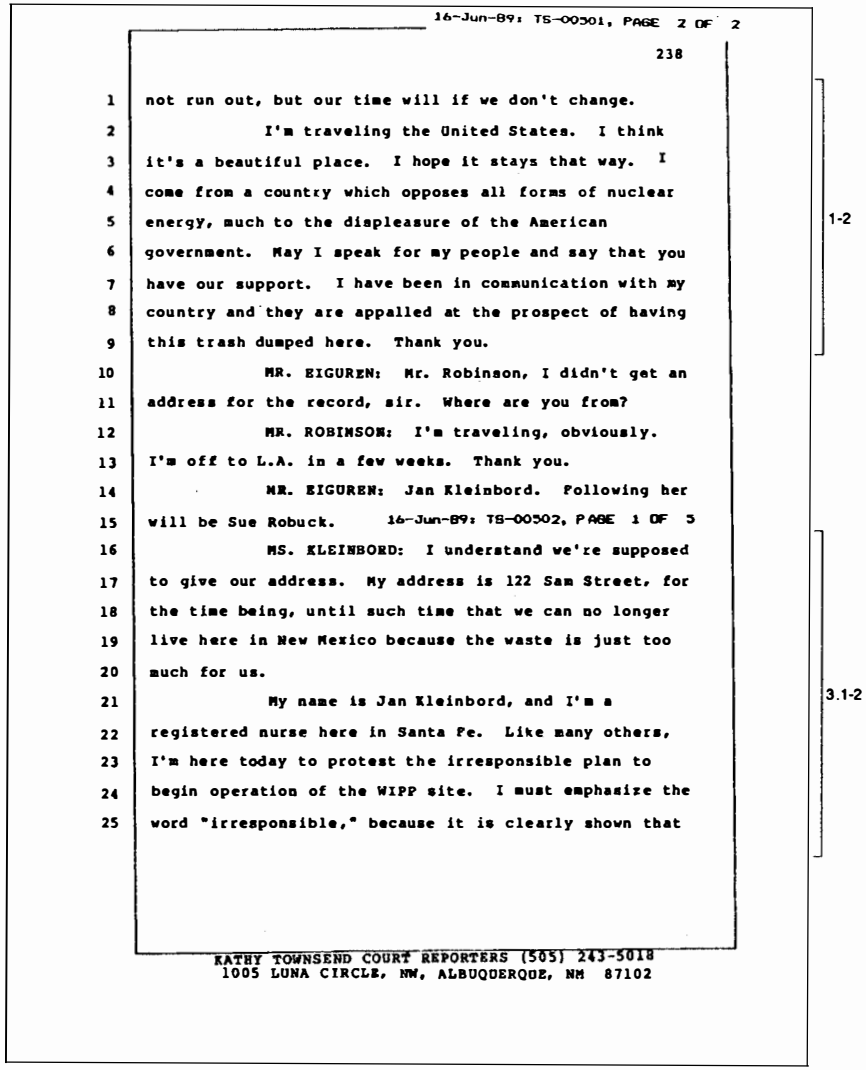

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not run out, but our time will if we don't change.

I'm traveling the United States. I think it's a beautiful place. I hope it stays that way. I come from a country which opposes all forms of nuclear energy, much to the displeasure of the American government. May I speak for my people and say that you have our support. I have been in communication with my country and they are appalled at the prospect of having this trash dumped here. Thank you.

MR. EIGUREN: Mr. Robinson, I didn't get an address for the record, sir. Where are you from?

MR. ROBINSON: I'm traveling, obviously. I'm off to L.A. in a few weeks. Thank you.

MR. EIGUREN: Jan Kleinbord. Following her will be Sue Robuck.

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MS. KLEINBORD: I understand we're supposed to give our address. My address is 122 Sam Street, for the time being, until such time that we can no longer live here in New Mexico because the waste is just too much for us.

My name is Jan Kleinbord, and I'm a registered nurse here in Santa Fe. Like many others, I'm here today to protest the irresponsible plan to begin operation of the WIPP site. I must emphasize the word "irresponsible," because it is clearly shown that

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this plan is incomplete, experimental, and the deputy manager of WIPP admits the outcome of this first-time attempt is virtually unknown.

The magnitude of devastation due to the atomic bombs dropped at Hiroshima and Nagasaki were also not fully known, despite prior experimentation and so-called "Wasteland Top Secret Test Site Areas." What is this Russian Roulette we're playing with human life? And non New Mexicans consider The Land of Enchantment a wasteland, a vast wasteland? If this plan and the TRUPACT-II containers are so safe, then why not reroute this project to Washington D. C. and store them in the basement of the White House? Why not the store them in the basement of the White House between September and such time that the project can be assured safe?

The Draft SEIS calculates 8.3 deaths and 106 injuries could be incurred during trucking transport alone. They seem to validate this operation with the rationalization that a proposed 8.3 deaths is quite low. What if one of those 8.3 deaths was one of their children?

Along this currently proposed route and until alternate bypasses are constructed, nuclear waste will pass through Santa Fe headed south on St. Francis Drive through the intersection of Alameda where

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7.15.4-2

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Gonzales Elementary School and its playground, which is often full of children, awaits disaster. If the only way this radioactive plutonium can be carcinogenic is through direct inhalation or direct contamination, then are these children not susceptible to respiratory contamination in the event of an accident at this intersection?

8.3 deaths or one death is inexcusible. How can we be assured that the SEIS draft diction can even be trusted? Was the devastation at Chernobyl predicted? What prediction does the DOE make about the effects of radioactive fallout from a nuclear accident? In the past 13 years, according to Johns Hopkins Cancer Report this year, malignant melanomas, which are a dangerous form of skin cancer, had increaaed 60 percent. Lung cancer is at epidemic proportions. New Mexicans already rate twice as high in cancer statistics. How many New Mexico deaths or illnesses does the DOE consider acceptable?

Safety standards are being questioned at the Rocky Mountain Flats plant. Human negligence and error are being investigated. Can we expect the 1990 TRUPACT containers to be recalled, just like Detroit recalled the Pinto or Tylenol recalled its capsules after someone tampered with their contents? In every

7.15.4-2

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aspect of the proposed WIPP plan we can find potential threat of life.

As a nurse, as a New Mexico resident, as a future mother, I find it unfortunate at all that we create dangerous substances with half-lives of 240,000 years. It is truly irresponsible to create these substances without safe and effective methods for their disposal. Would the proposal to support nuclear energy deny its usage for improving the so-called quality of life? If so, then what a massive contradiction the same quality of life is so threatened when these substances are uncontrolled. I say, "Just say no to these uncontrolled substances."

I also would like to read you a letter that's written by the physician with whom I work. He couldn't be here today because he's seeing patients. It's addressed to the Department of Energy, the SEIS project. He says -- this is from, by the way, Dr. Robert Bernstein here in Santa Fe.

"I would very much like to attend the WIPP public hearings in Santa Fe but will be unable. However, I would like to express my opposition to the WIPP project as it is currently planned. I feel strongly that the safety of the project has not yet been established. With a situation where material will

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remain radioactive for many thousands of years, it seems mandatory that the safety be guaranteed.

"It seems, at the very least, that burial of nuclear waste should not be undertaken until new safety standards are both written and approved by the EPA. Also, the potential for human error must be included in the models used to calculate accident risk. In addition, it is my understanding that the National Academy of Sciences and the Independent Scientists Review Panel have major concerns regarding the experimental test phase.

"For all these reasons, and others not mentioned, I feel that the radioactive wastes should remain on the sites where they can be monitored, and that other ways to neutralize these wastes or store them safely be found. Thank you for your consideration. Sincerely yours, Robert M. Bernstein, MD." Thank you.

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MR. EIGUREN: Sue Robuck.

MS. ROBUCK: My mailing address is 203 Hyde Park Estates, Santa Fe, 87501. I'll leave the expert testimony about the SEIS to those who have more scientific and legal knowledge, and I'll just address the points that I would like to -- basic thoughts of a concerned citizen from reading information about WIPP

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in the SEIS and listening to some of the speakers here yesterday and the politicians in the news lately.

I recently read a letter directed to the NRC which related to that commission's proposal to cut out the public comment section of their decision-making process. And then Governor Carruthers recently commented basically that if you voice your opinion and it's different from the politicians' view, you shouldn't be allowed to receive special grants or you shouldn't receive the same considerations as those who agree with my political views.

Well, the news in the last few weeks has had a lot to say about the Chinese attempts to have a choice in free speech and a more equitable government. What happens to our process in this country if what is happening here today is not heard and taken seriously by those hired to regulate what the people of this country want. Are we only then willing to allow free speech and public opinion to be heard if views agree with what the current party line is?

As I said, I'm no scientist, but I personally think the salt caves are a crazy idea. I lived five years on a Caribbean island, and I know what a small amount of salt just in the air can do to metal, even if it has nothing to do with being directly in

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7.12.6-5
7.14-16

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water. The corrosion and rust doesn't take very long to begin to affect things.

I'm sure you have gotten plenty of expert testimony on the other aspects of the site itself. Of course, the ultimate for me would be to stop building any more weapons, since we and the other powers of the world currently have enough to get rid of us all. Why not use the funds allotted to find a way to use the current waste for something that will give back to the earth instead of taking away from it.

My next thoughts are on the transportation system. The only place I found more bizarre to drive than New Mexico, especially in the winter, is Iran. The idea of getting emergency crews paper suits and rubber gloves as I've heard in one case is, at best, a good joke.

To end, I would like to say please, objectively consider the information you've heard here this week. Each of you stand up to your individual view, and if it differs from agency policy, consider that it is easier for you to get another job than it is for us to get another New Mexico or another earth. Thank you.

MR. EIGUREN: We have several written comments to read in the record as exhibits. Exhibit

7.12.6-5
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7.12.9-1
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7.12.9-3
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372 are the written comments of Mari Susan Selby of Santa Fe, New Mexico.

(Exhibit 372 marked.)

MR. EIGUREN: The written comments of Judyth Hill of Santa Fe, Exhibit 373.

(Exhibit 373 marked.)

MR. EIGUREN: Exhibit 374 is the written comment of Jack R. Smith, our commissioner Santa Fe.

(Exhibit 374 marked.)

MR. EIGUREN: And Exhibit 375 are the written comments of Dr. Hilde Schwartz of Dixon, New Mexico.

(Exhibit 375 marked.)

MR. EIGUREN: Exhibit 376, for the record, will be the written comments of Susanne M. Robuck of Santa Fe, New Mexico.

(Exhibit 376 marked.)

MR. EIGUREN: The next commentor is Elizabeth Bloemer, followed by Bonnie Anderson.

MS. BLOEMER: My name is pronounced blow-mer. My professional name, for the record, is Elizabeth Bear, B-e-a-r. My mailing address is P.O. Box 2812, Santa Fe, New Mexico, 87504.

I'm grateful for the opportunity to speak before you, the DOE. I thank you for extending the 2.3.2-1

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public comment period until July 10 (sic) of 1989. I must protest, however, the nature of these proceedings. You have split the SEIS hearings into three simultaneous sessions, affectively preventing public access to the entire testimony presented. We are not being allowed to testify before the entire review community. You have scheduled people late into the evening, instead of taking advantage of the weekend or even next week to extend the hearing further. Is it your intention to prevent the freest flow of information? Frankly, your piecemeal approach to the spirit of public participation over the exceedingly serious issue of nuclear and hazardous waste is reprehensible. 2.3.2-1 8-7

I question strongly the DOE's fast-track alternative for the WIPP site. By choosing this alternative you are saying to us "Damn the torpedoes. Full speed ahead." I am saying to you, "Stop. Please listen to us." 1-2

I stand for all of those who have eloquently stated the case in favor of the no-action alternative at WIPP. You have failed to address, much less implement the training of emergency response personnel along the entire WIPP route. You have failed to address the worst-case scenario of a crushed TRUPACT 1-2 7.12.9-1 7.3.1.1-9 7.3.4-2

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container. Surely, there is potential for a breach larger than a pinhole. You have failed to consider the long-term effects of low-level radiation upon the people past whose houses you plan to travel. Your haste has prevented the implementation and completion of baseline studies to track radiation exposure and effects in the resident population. Why do you persist?

At the very minimum, no waste should be placed at WIPP until the new EPA standards are promulgated and WIPP is shown to meet those standards. Independent review by scientists and the public is essential to the process. I state this most strongly in light of recent revelations of DOE activity at Rocky Flats. How do you expect us to trust a word you say if you engage in clandestine dumping and incineration of radioactive waste?

Many have said this hearing is a charade and that you are not listening. I choose to trust your willingness to change, to open your hearts, your minds, and your spirits to what we have to say. We are in this together. We share a jewel planet rich in biological and geological diversity. We are meant to be stewards and guardians of this diversity not destroyers. The issue of WIPP is part of a greater

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7.3.5.2-4
7.13.1-1
7.13.1-7
7.14-10
7.14.1-2
7.12.10-1
3.1-3
3.1-6
3.2-1
3.1-8

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whole. It is time for the human race to grow up. It is time for us to wake up. We face a collective choice here: suicide or evolution. I would ask each of you where you stand.

We enjoin you to stop your defensive posturing behind short-term political solutions. Open an ongoing, long-term dialogue with us to solve the problem of nuclear and hazardous waste on this planet. The entire planet is our back yard. We are not saying we don't want this in our back yard. There are alternatives to WIPP. I urge you to consider the viability of aboveground retrievable nuclear waste storage at the point of origin. Begin research into the transportation of this waste. It is a law of the universe that energy does not cease to exist. It changes form.

You have a wealth of embodied creative potential before you in the form of concerned and active citizens willing and capable of developing these alternatives. I grew up in the hills of northeast Georgia downwind from the Savannah River plant. Upon that earth had been placed guidestones, a replica of Stonehenge, with laws for a new humanity written upon them. The final law is written "Be not a cancer upon the earth. Love your mother. Love your mother."

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3.1-8

Thank you.

MR. EIGUREN: The written comments of Dr. Robert M. Bernstein of Santa Fe will be marked as Exhibit 377 for the record.

(Exhibit 377 marked.)

MR. EIGUREN: Exhibit 378 is the written comments of Bonnie Anderson of Santa Fe, New Mexico. Bonnie is our scheduled commentor and she has submitted written comments in lieu of oral testimony today.

(Exhibit 378 marked.)

MR EIGUREN: Next call Harmony West.

MS. WEST: I have my tribe here with me for support. My name is Harmony West. I live at 1607 Caminito Monica, Santa Fe. I would like to go on record that I also protest the way the hearings are done being in three separate rooms. It's really nonpowering, and I would really like to learn from everyone who speaks.

St. Francis Drive is one of the WIPP routes that I travel on every single day. I bring my kids to school. I buy groceries. I visit my friends. A few days ago when I was on St. Francis Drive, in one day I witnessed three accidents, saw them with my own eyes. I'm sure the people made mistakes. They put on their brakes too quickly. They used their directional

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signals the wrong way. Nonetheless they made a mistake. I hope that mistakes are something we can learn from. We have more experience to, hopefully, make wiser decisions.

I think the biggest mistake that's being made right now is that nuclear weapons are being continually produced and we have no way to dispose of the waste that we have. I feel if there's any sort of nuclear spill on St. Francis Drive or anywhere else it's not going to be a mistake that we can take care of, that we can fix. I think it will pollute our land and our water, our air, and the brave people who try to clean it up will probably die before their time.

I also believe that the earth is a living, moving, growing organism. And maybe I'm from another planet, but I don't understand how we can take poison that is poison for 250,000 years and put it under the earth. It's kind of out of sight, out of mind. It doesn't make sense to me at all. Already there is brine seepage. Things are cracking. And part of what disturbs me is that I don't trust our government to really protect us and make it safe.

In the part of the SEIS document that I read I felt like the DOE was a panel of gods that somehow had figured it all out and were telling us, the

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7.3.5.1-12
7.3.5.4-3
7.15.4-2

3.2-1

poor little peon, "Now, it's really okay. We have it under control." It doesn't feel like you're being human, like you're really listening to a part of yourself. 3.2-1

You look like you're laughing to me. That feels awful to me when I'm so afraid. I'm afraid for my children. Fear is something I feel that we all have access to, to tell us something is wrong and pay attention and wake up. And I encourage all of you to pay attention to things that you're feeling inside.

Not long ago we went to the dentist. And as I was talking to my kids about getting an x-ray they wanted to know why you needed to wear the shield. I said, "It's, of course, because radiation is dangerous and you want to protect your body from it." One of my children had an idea -- since I have two children that are old enough to be able to have intelligent conversations about this matter. One of my kids thought that one of the solutions is for all of us to wear lead suits and that we wouldn't have to worry anymore. We would all be protected. We would all be shielded from anything out there we couldn't see, and that we didn't know was going to hurt us. 7.3.5.1-12

I'm not a scientist. I'm just a concerned person that feels like this is all wrong. I vehemently 1-2

oppose WIPP happening, and if it has to happen, I really support the most stringent stand that you can have. I would also like to say I'm really proud to be part of this community where so many people will come forward and speak from their hearts and from their spirits to save this land. It's very important.. Thank you. 1-2

MR. EIGUREN: Bill West.

MR. WEST: Good afternoon. My name is Bill West. I live at 1607 Caminito Monica here in Santa Fe. I have been a resident for nine years. I have four concerns and comments to make this afternoon. First of all, upon hearing that the majority of the waste to be stored at WIPP between now and the year 2013 will be newly generated waste, I was very alarmed.

It's my strong feeling that we must severely curtail or stop altogether the new production of military nuclear waste in this country. In fact, the remaining waste that WIPP will receive is relatively safely being stored aboveground, being monitored. And the waste that's really out of control at other DOE sites is not the waste that will be shipped into WIPP. I question the validity of bringing any waste at all to the WIPP site. 1-2 3.4-1 3.6-1 5.2-1 5.2-2

Secondly, I'm very uneasy at the heavy 7.3.2.1-6

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reliance on truck transportation to bring these wastes to the WIPP site. For the last 17 years I've worked in the food manufacturing distribution business, and I have had daily contact with tractor/trailer drivers running their routes all over this country. And, by and large, I think we have a very safe group of truck drivers in this country. And the schedules they are asked to run, and/or choose to run, continually border on what I consider very hazardous schedules.

I realize that the standards may be more stringent on the selection and monitoring of drivers to haul this waste. They may adhere to federal rules for time on and time off, which are regularly violated by tractor/trailer drivers all the time. It's kind of a standard joke among tractor/trailer drivers. Some carry double logbooks so they can run -- I know drivers that regularly run 18, 19 hours out of 24 hours.

The company I work for here in Santa Fe is a wholesaler of natural foods and we bring in two loads a week from Los Angeles. Those guys will leave will L.A. at 5 o'clock in rush hour, after driving since five in the morning, including pickups all over L.A., so they've worked 12 hours, and they arrive at our dock at 1 o'clock the next afternoon, 850 miles. They've probably take a two, maybe a three-hour nap. Again,

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I'm very alarmed by the heavy or sole -- heavy or sole reliance of truck transportation bringing waste into the WIPP site.

Again, I'm a champion of the truckers in America, but they push their bodies and minds and perceptions to the limit on a regular basis, and this country just agrees that it's normal for them to do that. I see the effects on these guys day in, day out, month in, month out, year in, year out. Their bodies take a terrible beating. Stop at a truck stop sometime. Go down to I-40 and go into 76. Spend an hour in there. Look at the faces of those guys and the bodies of those guys when they come in. They're on the limit. They're on the edge all the time. I'm very concerned about that aspect of the project.

Thirdly, I would like to say that I don't think that the fact that $770 million, whatever the amount is that has already been spent on this project, is in any way whatsoever justification for continuing. It's not too late to change. It's not too late to correct previously made mistakes. That $770 million is nothing compared to the billions of dollars that are locked up in silos and on subs in the form of nuclear warheads. It's kind of -- as a taxpayer it's like, "Well, they have already taken

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however many billions out of the economy and froze it in nuclear warheads." $770 million as a taxpayer, in that context, doesn't bother me in the least. I get very alarmed when I hear people say, "Well, they have already spent 770 million, they're not going to turn back." Please don't let that influence you. We have got a lot of money in this country. We can absorb $770 million.

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And my last point is I'm very concerned that given the track record of highly toxic waste releases, accidental or otherwise at other DOE sites, noteably Rocky Flats, indicates to me that we should proceed much more cautiously with an experiment of the magnitude of the WIPP project. In conclusion, I strongly urge that the no-action alternative is the most viable and certainly the wisest decision for us to take. Thank you.

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MR. EIGUREN: The next commentor is Philip Archuleta. I'll call his name again later in the hearing. Michael Pohlreich. Following Michael will be Melanie Hartzell.

MR. POHLREICH: Hello. My name is Michael Pohlreich. I reside in Santa Fe County, New Mexico. My mailing address is 87501, P.O. Box 9201 Santa Fe. I have to go down on the record as saying I

absolutely oppose WIPP in any way. I do not feel it is a logical alternative at all. It says here in the Department of Energy book that I have, that at the end of 1977 the accumulated volume of defense TRU waste amounted to 11 million cubic feet of material. And it goes on to say that this volume is expected to be 13 million by 1986.

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So if you add on to that, now that we're in '89, how much we really have, then further in this document somewhere else it states clearly the accident rate they figure the chance is 1 in 40,000 of any accident. If we can convert that over to the amount of waste they have stored, not just what they're going to put in WIPP, but all across the country at all 16 sites, that's an awful lot of waste. If one of every 40,000 cubic feet of that volume gets out through some kind of an accident, sir, we have a disaster on our hands.

7.3.5.1-34

Then I would like to turn to a section that talks about alternative disposal methods. It talks about transportation. It clearly states in here: "The transportation of long-lived radio nuclei into short-lived or stable ones could probably be carried out with a nuclear reactor." I presume this might be probably the only good purpose for a nuclear reactor at

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this time.

I do not support WIPP. I do not support the continuation of producing plutonium. I feel this is absolute foolishness. In light of current circumstances, it is clearly evident that we already have a nuclear waste problem of disaster magnitude. I, therefore, feel it is absolutely irresponsible to even consider the continuation of the manufacture of plutonium for the purpose of nuclear weapons for any other purposes.

Until the disposal problem is clearly and permanently resolved, the disposal problem must be resolved in such a way where there is no threat to human life. And the greatest threat of all lies with the yet unborn generations and the continuation of human life on this planet. The environment must not be considered as separate from the human race, as the two are inseparable and totally co-dependent.

Due to the recent developments: from the news we have heard about Rocky Flats, locally geared problems that the San Ildefonso Pueblo had with the LANL wastes sifting out of the canyons that they buried there years ago, I think it is absolutely blatantly obvious that nothing short of on-site transportation is either responsible, acceptable or tolerable. The last

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thing I would like to say is it may take WIPP three to five years to figure whether or not they can meet the standards. Well, it only takes us four years in this country to elect a new governor. Thank you.

MR. EIGUREN: Melanie Hartzell followed by Bill Payne.

MS. HARTZELL: My name is Melanie Hartzell. My mailing address is 142 1/2 West Berger, Santa Fe, New Mexico. I just want to say it's amazing how much adrenaline one has access to when public speaking.

First of all, ladies and gentlemen, I really do want to honor you and the DOE members for coming here. You've had to deal with a lot of harsh words in the last two days. And it would take a lot of courage to keep your hearts open. You have taken a lot. The new Webster's Dictionary of the English Language defines inertia as, "A property of matter by which it retains its state of uniform straight-line motion so long as no external cause acts to change that state."

A project with WIPP's troubles cannot be allowed to roll through on the process of inertia. The many jobs and political careers on the line, not to mention the sum of $700 million spent thus far on this project are pushing it hard in its current direction.

3.1-2
3.1-8

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It will, undoubtedly, require an unprecedented swell of public concern to stem the tide. But please look around. I think we have that. 3.1-2 3.1-8

My greatest single concern in the matter of The Waste Isolation Pilot Project involves EPA standards. The standards currently in use were thrown out of the First Circuit Court of Appeals in June 1987 because they weren't even stringent enough to comply with the Clean Water Drinking Act. The SEIS document says the DOE and the State of New Mexico have agreed to proceed as though the 1985 standards are still in effect. The SEIS is, therefore, based on Environmental Protection Agency standards ruled illegal and invalid. 3.1-2 3.1-3

I respectfully demand that WIPP not be opened until it can comply with the new EPA standards being currently written. That's all I've got. We need standards that will legally demonstrate your intention to protect us all in our environment from nuclear contamination. 1-3

It would help also if the DOE would keep the promises they have made to New Mexicans. The DOE agreed to seek congressional funding to improve New Mexico's substandard highways on the WIPP route. Also major population areas, such as Santa Fe, were supposed to receive bypasses. No new funds have been 7.3.3-5 7.15.4-1

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appropriated and no new roads have been built. Neither have we received the promised funds, equipment or technological assistance we were to have no later than one year prior to shipments of radiological waste heading to WIPP. We're, therefore, unprepared in our hospitals and we have no adequate or even realistic plans to evacuate our people in case of emergency. 7.3.3-5 7.15.4-1 7.12.9-1 7.12.9-2 7.12.9-3 7.12.9-4 7.12.9-5 7.12.9-7 7.12.9-11

Ladies and gentlemen, please show us you folks aren't trying to rush this thing through without meeting legal standards or equipping and preparing New Mexico, without including the critical factor of human error in your research. And without simply reconsidering your decision on the basis of reams of information that clearly states that WIPP is a very poor site that very probably won't filter the public and the environment from toxic and nuclear waste very long. Certainly not long enough. 7.13.3-1

No one at your table will probably live to be accountable. No one at the DOE will either and neither will I. It's pretty hard not to be shortsighted about WIPP's effects. Aren't you glad our ancestors 24,000 years ago did not possess the technology to be currently responsible for our existence in this way? Thank you for your attention. 3.1-8

MR. EIGUREN: Exhibit 379, for the record,

will be the comments of Melanie Hartzell.

(Exhibit 379 marked.)

MR. EIGUREN: Next call Bill Payne, followed my John Higgins. Is Bill Payne? John Higgins. Marcy Brooks. Following Marcy Brooks will be Peter Kahn.

MS. BROOKS: Hi. My name is Marcy Brooks. I live at 717 Katherine Avenue, Santa Fe. I have lived here for 13 years, and I'm really concerned with what's happening here. From most of the reports I've read, if not all, it seems like the DOE is more in favor of making things happen and continuing nuclear production and are not really concerned with safety. It seems like from what I've read that past sites haven't been cleaned up thoroughly, if at all, and that just isn't a concern of the DOE. A concern is to find a place to put the nuclear waste and to keep it happening, to keep it rolling. I'm really concerned that if WIPP goes through that many more bombs and much more production will happen once it goes through, because the government will feel we now have a place to put this waste.

I feel like things have not been thoroughly studied. The effects of long-term, low-dose radiation doesn't seem to be respected, as far as the current

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research on that matter. I'm really confused about the use of trucks instead of rail. New Mexico has the highest population of drunken drivers. Also, the Cerrillos/St. Francis intersection has the largest number of accidents of any intersection in the state. And the trucks, at this point, are planning to go through that intersection and plan to go through our highways during daylight hours or even during the middle of the night when drunken driving takes place.

It really scares me that our state won't be safe to live in. It really scares me that I don't feel able to trust the DOE, the Department of Energy which is supposed to be so concerned with our land, our air and water. I would really like to build that trust. I would really like the DOE to put forth its greatest efforts to make WIPP work, to make WIPP a truly safe place. Ultimately, I don't want it in this state. Ultimately, I don't want nuclear weapons or nuclear waste to exist. I realize it does and there needs to be a place for what exists now.

And it seems like once it happens that more and more production of nuclear bombs will be created once there is a place to put this. I really don't understand why the DOE can't take time right now. It seems like the nuclear waste at this point is really

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7.12.6-4

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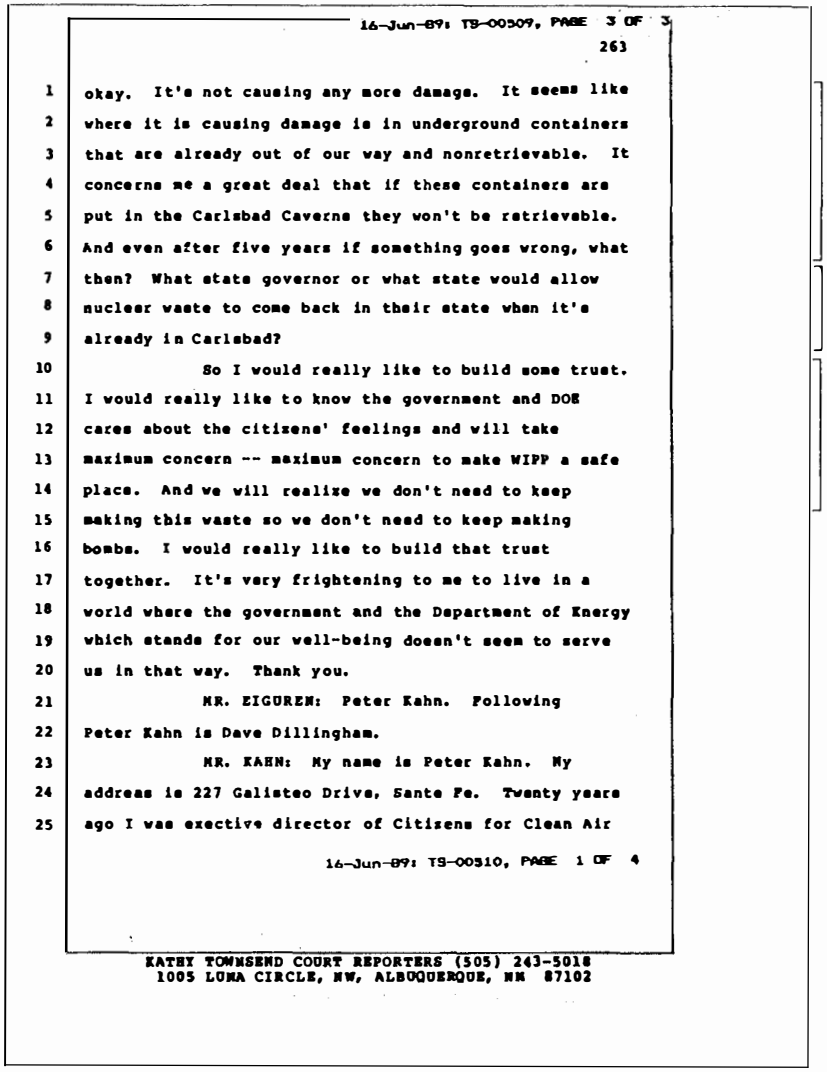

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okay. It's not causing any more damage. It seems like where it is causing damage is in underground containers that are already out of our way and nonretrievable. It concerns me a great deal that if these containers are put in the Carlsbad Caverns they won't be retrievable. And even after five years if something goes wrong, what then? What state governor or what state would allow nuclear waste to come back in their state when it's already in Carlsbad?

So I would really like to build some trust. I would really like to know the government and DOE cares about the citizens' feelings and will take maximum concern -- maximum concern to make WIPP a safe place. And we will realize we don't need to keep making this waste so we don't need to keep making bombs. I would really like to build that trust together. It's very frightening to me to live in a world where the government and the Department of Energy which stands for our well-being doesn't seem to serve us in that way. Thank you.

MR. ZIGUREN: Peter Kahn. Following Peter Kahn is Dave Dillingham.

MR. KAHN: My name is Peter Kahn. My address is 227 Galisteo Drive, Santa Fe. Twenty years ago I was exective director of Citizens for Clean Air

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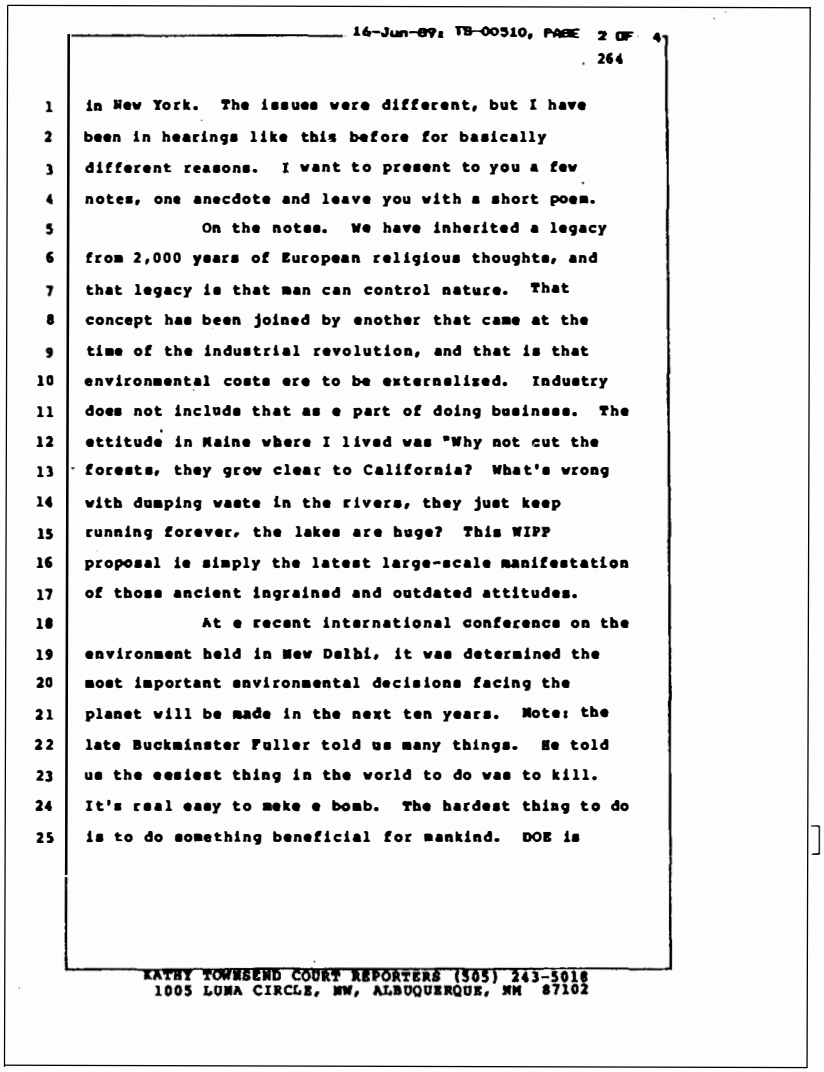

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in New York. The issues were different, but I have been in hearings like this before for basically different reasons. I want to present to you a few notes, one anecdote and leave you with a short poem.

On the notes. We have inherited a legacy from 2,000 years of European religious thoughts, and that legacy is that man can control nature. That concept has been joined by another that came at the time of the industrial revolution, and that is that environmental costs are to be externalized. Industry does not include that as a part of doing business. The attitude in Maine where I lived was "Why not cut the forests, they grow clear to California? What's wrong with dumping waste in the rivers, they just keep running forever, the lakes are huge? This WIPP proposal is simply the latest large-scale manifestation of those ancient ingrained and outdated attitudes.

At a recent international conference on the environment held in New Delhi, it was determined the most important environmental decisions facing the planet will be made in the next ten years. Note: the late Buckminster Fuller told us many things. He told us the easiest thing in the world to do was to kill. It's real easy to make a bomb. The hardest thing to do is to do something beneficial for mankind. DOE is

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learning this firsthand, through its failure to maintain its own plants over the last 40 years. And as a businessman now, if DOE was run as a private corporation, I would think it's performance would have had its stockholder put out of business. 3.2-1

Buckminster Fuller left us some other information that directly pertains to this proposed project. While DOE assures us that the probability of accidents are extremely low, Mr. Fuller proved mathematically that in an occurrence of probability an event would happen sooner rather than later. So while their SEIS report talks about a truck accident happening one in a million kilometers of travel, that it's likely to happen in the first 10 or 20 or 50 and not the 999,000th. George Wall, a Nobel-winning biologist, said that there's only one question to be asked regarding any project affecting the environment and that is this: is it good for children? 7.3.5.1-8

I want to give you an anecdote. I own a gallery here in Santa Fe, and I talk to people from all over the world all the time. About a year and a half ago a nuclear physicist from Scotland was in the gallery doing some work at Los Alamos, and we began discussing the WIPP project. He said, "What if we could reduce the half-life to one year?" I said, "That 5.3-1

would be sensational." He said, "It is something we're looking into."

Last summer a nuclear physicist from Houston came into the gallery and we started talking about this. I said, "Well, what about reducing the half-life to a year? Another scientist said that this was something that was being explored." He turned to his wife and said, "Oh yeah, Honey, we can do that," blah, blah, blah. And he turned back to me and said, "It's very expensive." Expensive compared to what, $660 million for a bomber that's supposed to carry weapons? It's this insane Catch-22. 5.3-1

You're talking about this plane that costs a fortune carrying weapons that can't even be produced because the bomb plants can't be operated properly because of DOE's failure. What I would like to suggest to DOE is that you go back to your superiors and tell them what the people in New Mexico want. And keep in mind a little poem that E. E. Cummings wrote which is simply this: "A politician is an ass upon whom everyone has sat except the man." Thank you.

MR. EIGUREN: Dave Dillingham.

MS. DILLINGHAM: My name is Gay. My address is 5 Vista Ronde Drive, Santa Fe, 87501. I would like to begin by thanking the department for

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these hearings. I know you are under tremendous pressure, especially in light of the FBI investigations at Rocky Flats. I suggest we all take a deep breath and make a time of crisis a time of opportunity.

I think it's time to begin using rectified thinking, or otherwise known as seven generations in the future. I don't resent you as people. I resent the process that has created this $100 billion-plus contamination. And more importantly than monetary, that of human lives.

I also resent the continued contamination without first cleaning up the current mess. I could get into the details that I see as an inadequacy in the SEIS, however, I do not feel that would be the most effective way to use my five minutes, because other testimony, such as those by the Environmental Evaluation Group, have revealed these unresolved issues which I uphold to be of utmost importance.

These include, for the record: number one, SEIS does not factor in human error; two, there are no plans in the event WIPP does not work; three, much of the SEIS is based on draft documents; four, TRUPACT is still not certified and we have no road funds; five, the trucking company has no real experience in transporting radioactive waste other than carrying

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7.3.2.1-4

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uranium mill tailings on flatbed trucks; six, emergency medical response is not adequate; seven, discussion of the brine seepage problem is not adequate; eight, the accountability.

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7.3.3-3
7.3.3-5
7.3.5-1
7.7.3-1
7.12.9-2

My testimony will outrun my personal perspective. I have had the unique opportunity to see the WIPP project through producing and directing a documentary about it called "The WIPP Trail." In doing this production, one of my goals was to sound the voice of New Mexicans who were feeling extremely disempowered by our nuclear waste crisis and New Mexico's role in it. I didn't make this document to cause problems, but to prevent them. Some people have called this program balanced in its bias -- bias of safety.

My young life has shown me a great deal of sorrow around nuclear technology. I have lived with Indian families whose land was strip mined for uranium. These Indian people, as you know, have been, and still are, suffering from our government's negligence. I have lived five miles from Rocky Flats where I flew in their air space three times a week while obtaining my pilot's licenses. Now, I find a certain percentage of plutonium particles were released into the atmosphere every day from that plant.

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I have lived in Washington state while the people there were fighting Hanford for their safety. I've lived in Santa Fe over three years, and considering my background in environmental science, you might say I was primed for this issue. When I attended the Radioactive and Hazardous Waste Committee meetings at the state capitol in May of '88, I listened to questions and answers by our legislative panel to the EEG. I was startled and bewildered at the end result issues surrounding the WIPP project. One does not have to be an environmental scientist, or any scientist, for that matter, to recognize that unresolved issues will eventually lead to major health and environmental problems.

Last May there was little, if any, media coverage. I didn't understand why that was when the site was scheduled to open in only four months time. Myself and other production people went to investigate these questions and document what people were thinking about the WIPP project. As my co-producer/director Penelope Place stated, "What we found was a state in crisis." Every human being has to put food on the table. I don't feel it is fair anymore, considering our time and place in history, to set our citizens up for the paradoxical situation that is feeding our

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children in short run and poisoning our children in the long run.

The hearts of this nation are breaking. We have to create an economic structure to allow people to get out from under this deadly and inhumane paradox. I know that southern New Mexico's poor economic situation is real. I also know we have 45 years of waste since the Manhattan Project to deal with. I personally would like -- actually would be thrilled if WIPP were to be a solution and transportation safe. However, my analysis, based on available literature and interviewing scientists, both independent and those employed by the department, is that WIPP is not ready to open in September. We must not open the site because of political pressure, i.e., Governor Andrus' plan to close Idaho's acceptance of hot trash by September if WIPP doesn't open.

From my perspective, not much has changed since last October, other than a shuffling of papers. I admit I did not read all 2,000 pages of the document. However, I did go through sections. And from my experience and interviewing those involved with WIPP, my logic and my gut tells me the EEG has a profoundly more objective view of WIPP than do scientists employed at the site. The EEG has no reason to disapprove WIPP

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if it were safe. I'll put my eggs in their basket.

Quite honestly, I don't think there's a good chance that we will ever be able to prove the geologic integrity. I'm sorry. We will never find a place that will prove to have the geological integrity to isolate this manmade creation. I think we have opened a Pandora's coffin.

I have ventured far from the SEIS document but these hearings have been long overdue, and five minutes is not very much time to speak about something that effects us so greatly. Frankly, it was extremely hard to edit our footage down to a mere one hour. Therefore, I didn't believe 30 seconds or three-minute news briefs from our nightly news was even closely adequate to explain to the public a project of this magnitude. Therefore, I would like to submit our documentary for the record. Westinghouse, as well, has a copy. We spent a year making this statement, and without pay.

Lastly, I would like to quote Robert Redford in a statement about the film and about the project. "If we don't ask the right questions now, we may have to live with the wrong answers for a very long time into the future." I would like to leave you with this thought: the desert is a place with life

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7.12.1-2

underground -- that's water. What will the value of water be in 5, 10, 100 years? I believe it will be worth gold. Thank you very much. Thank you, Roy.

MR. EIGUREN: Exhibit 381, for the record, is a documentary entitled "WIPP Trail" narrated by Robert Redford. It's subtitled "Nuclear Waste Controversy: A Nation's Crisis Dumped on New Mexico." Thank you. Are those available for sale? I'd like to buy one.

(Exhibit 381 marked.)

MR. EIGUREN: I would next call Rick Phillips. Following Rick Philips will be Magdalena Marks.

MR. PHILLIPS: My name is Rick Phillips, P.O. Box 91, Glorieta, New Mexico, 87535.

I'm currently president of the David Foundation, which is an international educational charitable organization for the purpose of raising the consciousness of the planet. Before I engaged in this project, for six years I worked an associate research scientist for the State of Texas in a joint venture with DOE, and then as a professional environmental engineer in private practice.

I mention my background, because I feel I have the education and the experience to evaluate the

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WIPP situation from an objective point of view. Because of my personal analysis, I cannot endorse WIPP both from a professional point of view and emotionally as a human being that cares about the environment. Our nuclear waste must be handled because it exists, but not without proper planning and a minimal risk. I do not believe that WIPP has convinced us, that it has evaluated all options and has taken time to fulfill the commitment of safety to generations to come. I have many problems with this project, but my main disagreements center on the geological instability of the site, the lack of foolproof safety measures, especially the transportation phase. I feel this project has not taken the time to ensure success with safety. 3.1-2

I have reviewed this Environmental Impact Statement. I'm very familiar with them. I've worked with them for years. It gives you the superficial feeling that the scientists know what's going on and can remedy any problems that may arise. After having been there, I can personally say the scientists don't know everything. And I would have to say they can't remedy the problems, much less prevent them from happening. The bottom line is that we will continue to have human error play a role in this project. When we 1-2

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are dealing with such dangerous materials, my recommendation is to leave them on site where they can be monitored until a better alternative is made available. Therefore, as the spokesperson for the unanimous agreement of the David Foundation International, we cannot and will not support WIPP. 1-2

Thank you for the time.

MR. ZIGUREN: Next call Magdalena Marks.

MS. MARKS: Good afternoon, Pat, Arlen and Roy. I want to salute my countrymen here today and my fellow statespeople. I'm here not as a scientist, as many others have said. I'm not here to offer any information that you're not already privy to. The imperialists are doing a fine job of documenting that. I'm here as a countrymen, as a victim of the silent holocaust, a potential victim. I already have lung disease from the environment. And as a mother of four sons and one daughter, it is my hope to leave them a legacy to be able to take stands for principles and perhaps be willing to die for them, if need be.

I'm not content to offer rhetoric here today, sir. But I have sometime ago made myself and my fellow countrymen a promise that I will use all my resources to stop systemic abuses of humanity. This system that is of such impetus now in New Mexico, of 1-2

TS-00513, Page 2

dumping all this waste here, simply adds to the problem. The handwriting is on the wall. The jury is in. We know the greenhouse effect is having its devastating effect on Mother Earth and on all of us as human beings.

We're now not just fighting the threat of genocide. We now stand ready to address the threat of homicide. And to bring this stuff down the road and invite disaster with it is simply adding to the problem that is already so monumental. I ask you as countrymen to simply join me as parents, as descendents and immigrants of Ireland, of someone who came here, my grandmother, Anna Marks, from Vienna to get away from totalitarianism. I stand here as a citizen in what used to be the Land of the Free and the Home of the Brave. I stand here angry and saddened with powerlessness. Where are the national referendums which revoke the critical issues which affect the lives of us all? And where are the local predestines? The onus stands on us as citizens to stop these systemic abuses. We have never violated the course of action with any kind of democratic posturing at all, except now to stand and to be reckoned with. I, for one, demand to be reckoned with. And I hope that I will not be alone if I follow on my words with action and choose

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7.3.5.1-12

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to be disobedient to these policies.

I invite you as my countrymen to pull your head out of whatever it is that is preventing you from coming with the common man and the sane course of action here, whether it's the money, paycheck or whatever it is, because the time has come when we need to take the bull by the horns and address these policies. There isn't that much time left. Thank you for your attention.

MR. EIGUREN: 380, for the record, are the written comments of Elizabeth E. Bear.

(Exhibit 380 marked.)

MR. EIGUREN: Ladies and gentlemen, it has been my practice throughout the course of the hearing to go back to the top of witness list and call those names of individuals whose names we called earlier and didn't get a response, just to make sure we missed no one. Since our last break the following names have been called and I got no response. If I call your name, I would ask for you to step forward to the podium at this point and give us your comments:
Phillip Archuleta. Bill Payne. John Higgins.

We have been on the record for approximately 90 minutes, and so we need to take a brief recess for the court reporter to change tapes, so

we will be in recess until 4:30.

(Recess.)

MR. EIGUREN: It is now 4:31 PM on June 16, 1989. This is the United States Department of Energy proceeding 0026-DS, which is being held in Santa Fe, New Mexico. It is for the purpose of receiving public comment regarding the Draft Supplemental Environmental Impact Statement prepared in relationship to the proposed operation of the Waste Isolation Pilot Plant located near Carlsbad, New Mexico.

My name is Roy Eiguren. I'm the hearing officer for this proceeding. I am a lawyer in private practice in the Pacific Northwest and have been retained solely by the Department of Energy to conduct the hearing. I have no interest other than in conducting the proceeding. I'm not for or against the department's proposed action. My purpose is to be here and moderate this public hearing.

Also with me at the front of the room is the Department of Energy hearing panel who is listening to testimony and, if appropriate, answering and clarifying questions and comments we're receiving from members of the public who are here today. Prior to going to recess, we had reached the 172nd position on our list of preregistered commentors for this public

hearing. What I have been doing is simply going down the list of preregistered commentors as time allows, adding in at-the-door registered commentors to testify before this hearing panel. We left off, as I say, at 172. That individual who was scheduled to testify at 4:25 is Bill Davis. If Mr. Davis is here we will take his testimony now. Bill Davis. Leslie Davis. Toni Burch. Reed Stevens.

UNIDENTIFIED SPEAKER: I'll go get her.

MR. EIGUREN: This is Toni Burch. Following Toni Birch will be Reed Stevens.

MS. STEVENS: I'm Reed Stevens.

MR. EIGUREN: Oh, excuse me. You're Reed Stevens. Welcome. 16-Jun-89: TS-00514, PAGE 1 OF 3

MS. STEVENS: Thank you. This has happened to me before, all my life, as you can imagine. I'm Reed Stevens. 1477 Upper Canyon Road, Santa Fe. I'm privileged to be here. When I was a young woman of 19 protesting bomb shelters in Hartford, Connecticut, my parents, who were good Eisenhower Republicans, told me I was a damn fool. "The government knows best," they said. "Wait until you're older, then you'll see." I'm 30 years older now, but I still don't see why I should trust the great father in Washington to know what's best for me.

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First, we got nuclear bombs to save the free world. We can't use them. Then nuclear reactors to save the environment. We got Three Mile Island and Chernobyl and Savannah River, not to mention the small poisonings. Now we have got all this nuclear excrement and the government wants to build a nuclear toilet for it. Does government still know best? We will see.

Let me tell you a story: Once upon a time there was a powerful father who wanted to marry his daughter to an old friend of his who was building a mansion called WIPP. "But Daddy," the daughter said respectfully, "I hear bad things about that WIPP mansion. It scares me. And that Mr. Westinghouse, isn't he the brother of Mr. Rockwell and Mr. Bechtel? When they married my sisters in Colorado and Ohio, they just ruined them. No, I don't want to marry Mr. Westinghouse and live at WIPP.

"Darling daughter," the great white father said tenderly, "you have given me much joy. Your white sands are lovely test ranges. Your oil and gas revenues create tax revenues. You, who are so isolated and pure, can do a great service to your sister states by marrying Mr. Westinghouse. What do you say to trying it for five years?"

"Daddy, a girl's reputation can be ruined

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in one night. Five years at WIPP is forever. You know that."

"But, my beautiful southwestern daughter, your energy revenues are failing. You are looking a little like Texas these days. Wouldn't you like a new wardrobe? Nevada's getting one."

"I have heard about those wardrobes. They just don't last, Daddy, and the materials make me sick."

"Some sickness is inevitable in life, my child. Nothing the doctor can't cure. Trust me. Please marry Mr. Westinghouse. He really is a decent fellow. Don't believe all those stories the press makes up about him and his brothers. You know how the press is. And keep in mind that if you don't marry him, someone else will, and you might just end up an old maid with no one to support you. No jobs, no subsidies, all the crime and illiteracy from the inferior classes. Think what you have to lose."

"I'm thinking, Daddy. You know I want to be a good daughter. But your other daughters believed you and now they're sorry. Your SEIS report is not the whole story."

"Nonsense. The SEIS report is perfect. Who have you been talking to? Who's been polluting the

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ears of my favorite little daughter?"

"I'm not your favorite. California's your favorite, and Massachusetts. You have said that a hundred times."

"You sound like your mother, that old hag."

"Don't you call Mother Earth an old hag. You spent all her dowry and now you want mine. What kind of a father are you?"

"You'll never get a cent out of your old man if you talk like that. You have an attitude problem, my girl. I don't appreciate your criticism. I know what's best for all my daughters. If you won't agree to marry Mr. Westinghouse, I can force you to live with him at WIPP without benefit of matrimony."

"You wouldn't dare."

"Needs must when the devil drives. Mr. Westinghouse is a rich man and going to be richer when he has you to keep house for him. Might as well accept. The deal's as good as done."

"You're not a father, you're a" --

"Ha ha. Now you're beginning to understand reality. Sooner or later you'll see. They always do."

"And what does that make me? A" -- What's the word for a poor helpless girl trapped in the clutches of powerful men bent on serving their own

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pleasure? Stay tuned and we will see.

MR. EIGUREN: Exhibit number 382 are the written comments of Reed Stevens. I'm told Toni Burch is here.

(Exhibit 382 marked.)

MS. BURCH: Good afternoon. I plan to be pretty brief. My name is Toni Burch. My address is 140-A West Berger, Santa Fe, 87501. I'm speaking here today on behalf of my niece, Casey Jenkins, of Llano, Texas, who will have to live with disasters you are in the process of creating.

Thank you for the opportunity to speak today, although I would have preferred one speaker at a time, as opposed to three smaller groups running simultaneously. I want to speak to all of you and will now accomplish this by speaking in all three rooms at separate times, as allowed for in Rule Number 9 of the Rules for Conduct of Public Hearings set forth by the DOE.

I would like to start by saying since the entire SEIS is based on EPA standards that were thrown out through the circuit court system in 1987 for not even meeting the Safe Drinking Water standards, I find it almost impossible to believe you want to open WIPP. I really do. This doesn't sound like an act of service

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to me, and I am under the impression you work for the people of the United States on behalf of our safety. Who would this serve? Certainly not American citizens, and especially not the children of this planet.

I declare that WIPP will meet and be able to prove that they meet the forthcoming updated EPA standards before receiving waste. This should be the minimum expectation. And until you can comply with this declaration, the no-action alternative would be a great choice. This brings up another concern I have about the SEIS. In the SEIS there were only nine pages dedicated to the sensible no-action alternative. My understanding is that you were to thoroughly investigate all possible alternatives to WIPP. Nine pages sounds like you didn't give the no-action alternative much consideration. Why was that?

Why are we not asking the communities that reap the economical benefits from creating this waste to also store that waste they are creating? This would make a whole lot more sense. If you are allowed to remove all the waste from those communities, what will keep this problem and its dangers on the minds of the people working to create more waste? When are we going to stop creating waste we know we can't safely store for any length of time? This is a problem we must

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address.

Why don't you divert the funds allocated for WIPP, which add up to $2.5 billion, into research to clean up your existing sites, all of which are suffering from air, water and soil contamination. You have a very poor record of operation and would clean up your own house before messing up ours, if you truly had our best interest in mind. I don't believe you and I'm afraid to trust you. And with good reason, I might add. We cannot operate from an out-of-sight, out-of-mind perspective. I see it as an inhumane consideration.

Projected costs for the no-action alternative are much less than the costs of retrieving the waste from WIPP if the proposed action plan is proven to not meet the forthcoming updated EPA standards. If that happens, what will you do with the waste then? Will you haul it back across our country and re-deposit it where it is now? Or will you just select new emergency dump sites?

A prudent choice on your part would be to leave that waste right where it is until we know how it can be safely stored. The SEIS notes on pages 5-173, "No environmental reasons have been found why TRU waste, the extremely long-lived waste slated for WIPP,

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couldn't be left at the Idaho National Engineering Lab stored as it is for several decades or even a century. Here it is plainly stated that there are no serious environmental reasons to justify rushing WIPP into operation. The no-action alternative, leave the wastes where they are, is a viable plan that poses no immediate risk to the public, offers lower costs and ensures that yet another region of the country will not be contaminated by a DOE facility. Please don't WIPP me.

MR. EIGUREN: The written comments of Toni Linda Burch will be included in the record as Exhibit 383.

(Exhibit 383 marked.)

MR. EIGUREN: I'll call some names of individuals I called earlier, to make sure I'm not missing anyone. Phillip Archuleta. Bill Payne. John Higgins. Bill Davis. Lealia Davis.

Continuing with our list of preregistered commentors, I would call Madelyn Wells.

MS. WELLS: My name is Madelyn Wells. I live at 1161 Maez Road, Santa Fe, New Mexico, 87501. I have a bachelors degree in chemistry, and I have worked in several scientific labs. My experience in laboratory work makes me skeptical about the Department

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of Energy's assurance regarding the safety of the Waste Isolation Pilot Project. All the labs that I worked in use hazardous materials. Management and staff in none of the labs were committed to keeping those hazardous materials from endangering the workers, the public or contaminating the environment. All the labs were lax about safety and about allowing environmental contamination. None of these organizations, however, completely lived up to their own policies regarding the use and disposal of the hazardous materials.

The ones that were committed to safety and to the protection of the environment had occasional lapses from correct procedure. If a technician would break a thermometer, he would leave bits of mercury in the cracks and corners of the labs. Those that weren't committed to the safety and protection of the environment got frightened by several incidents. People would leave chips of arsenic in the glove boxes. They would leave bottles without labels so you couldn't figure out what might possibly be in it. So no one has ever quite been as careful as they could be, especially when they act in haste. I don't want to see us in the southwest become victims of haste and political pressure, which is what I see happening if WIPP opens this plant. Thank you.

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MR. EIGUREN: Charles Woodman? Charles Woodman?

Roger McCall?

Can we have your name and mailing address for the record, please?

MR. MC CALL: My name is Roger McCall. My address is 832 El Caminito, Santa Fe, 87501.

MR. EIGUREN: Thank you.

MR. MC CALL: Please don't open the dump site. The common enemy, pollution, cannot be hidden. It seems to me that the problem here is one of shortsightedness, denial and rushing to solution. It's shortsighted in that the creation of the trash will last and potentially poison us and the environment for 240,000 years.

In 40-plus years of producing this waste, why hasn't research been done, committed to or completed to find a way to neutralize the waste. It's quite a legacy to leave to the children. At birth we say, "Welcome to the world. Oh, by the way, we made a little electricity and a lot of weapons and it's up to you to deal with the left-over poison."

A few years back, it was reported that teenagers were disillusioned about their chances to

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become adults because of the threat of nuclear war. I doubt that 240,000 years of danger will do much to make them more comfortable.

There are brilliant scientists who have worked to create this situation, why did they stop short? Let them be put to work to neutralize the waste now.

On the point of denial, the first step in recovery, whether it's your own personal power or credibility with the nation is to admit that there is, indeed, a problem. You will gain respect from the people by being honest. You can be forgiven, also.

When it takes the FBI to expose your denial, you need to take steps in your recovery of credibility. We're looking for someone we can trust in this situation. When you bury your head in the sand or, in this case, poison the salt, this is just another form of denial. Burying something this potentially dangerous in the earth is rushing to a solution. It's a half-baked idea.

Please dedicate yourselves and your resources to neutralize the waste. It's been said that the peacetime nuclear industry is an attempt to make up for the guilt of creating such a dangerous

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power, but the thing won't fly or, better, it will fly but there is no safe way to land it and the passengers are afraid and angry.

You can do better. Containment is not a solution.

As for the town of Carlsbad, it seems they've had a carrot dangled in front of their nose in the form of jobs. First of all, the jobs won't last and the carrot is poison. They've been offered employment at great compromise. It's sad and unfair. Let the DOE create jobs for Carlsbad citizens by building a solar electric generator and give them something they can be proud of and safe.

Nuclear pollution knows no boundaries. It is the common enemy of all nations. In the newspaper, it was said that the United States would have never given a license to the atomic power plant at Chernobyl; well, Sweden probably wouldn't have, either, and look what they got.

That this country continues to produce nuclear weapons and nuclear trash is blindless to the needs of the people. The earth is beginning to choke on its own trash. Don't finish us off. Don't let us be polluted from the inside out.

If the DOE continues in this way of]3.1-2

producing and burying nuclear trash, it is my contention that you are guilty of eco-terrorism and attempting to hold us hostage for the next 240,000 years and that attempt will be met with resistance.]3.1-2

You can do better and we need your help. Please neutralise the poison.

MR. EIGUREN: The next scheduled commentor is Leona Luba Sidman.

MS. SIDMAN: My address is Number 8, Rancho Elisa, Santa Fe.

MR. EIGUREN: Thank you.

MS. SIDMAN: First of all, I want to object to the logistics of these hearings. Holding them in three separate rooms feels like a three-ring circus to me rather than an educational forum, which I was hoping for.]8-7

Also, today at noontime -- or this morning, I got my notice about my time to speak. If you're having such difficulty structuring this hearing, I have strong and grave doubts about your capability to manage the WIPP project.]8-6

I object to the land withdrawal bill, either legislative or administrative. I don't want any land withdrawal bill to be pushed through.]6.1-1

My third objection is that SEIS is based]1-3]3.1-3

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on old EPA standards that have actually been thrown out -- I think it was from Massachusetts by the federal court, I think. I don't want WIPP until newly promulgated EPA standards are in place and met at the WIPP site.

So I believe it's around 22,000 bombs today and still counting. How much is enough? I'd like to know what the magic number is and when you say, "That's it, that's enough."

All of this insanity is based on a belief of viabiiity that there is such a thing as defense. There is no defense, there is no such thing as a nuclear war, just radioactive suicide. You act as if you have the right to do whatever you want to to Mother Earth, to explode poisons within her womb, to plummet her, to gouge at her, to stab and violate her, ignoring that she's alive and fragile and vulnerable. What we do to Mother Earth, we do to ourselves.

We have a lot to learn from our Native American brothers and sisters. Mother Earth is our sole support. She feeds us, she nurtures us, she provides for us, and without her, we would not be here. We honor our great mother from whom we all come, every one of us, and to whom we'll all return

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when our earth walk is finished. She's mother to all living things, to we two-legged, to four-legged, to the green and growing things and to the creepy-crawlers. She's mother to the standing people and to the stone people. She's mother to the weighted ones and to the thin ones, who swim in her lifeblood, the water, and we are all connected to each other. We and all my relations, we're made of the same stuff.

Mother Earth does not belong to us; on the contrary, we belong to her.

We are all one planet, all one people on earth; we are all one planet, sharing our living, our dying, our birth. And we won't stand by watching her die, hearing her sigh. We live as she lives; we dle as she dies.

We are all one planet, all one spirit of earth, all one planet, sharing our living, our dying our birth, and we won't stand by watching her cry, hearing her sigh. We live as she lives; we die as she dies.

We are all one planet, all one spirit of earth, all one planet, sharing our living, our dying our birth, and we won't stand by watching her cry, hearing her sigh. We live as she lives, we die as

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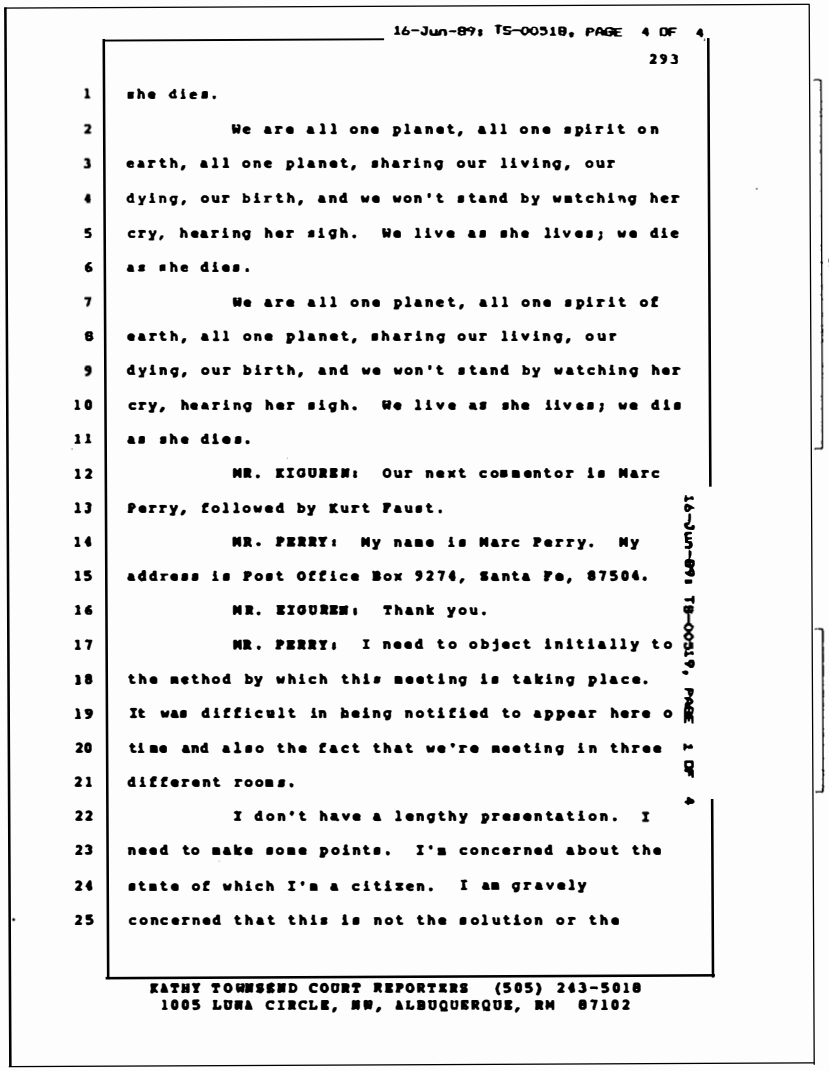

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she dies.

We are all one planet, all one spirit on earth, all one planet, sharing our living, our dying, our birth, and we won't stand by watching her cry, hearing her sigh. We live as she lives; we die as she dies.

We are all one planet, all one spirit of earth, all one planet, sharing our living, our dying, our birth, and we won't stand by watching her cry, hearing her sigh. We live as she lives; we dis as she dies.

MR. EIGUREN: Our next commentor is Marc Perry, followed by Kurt Faust.

MR. PERRY: My name is Marc Perry. My address is Post Office Box 9274, Santa Fe, 87504.

MR. EIGUREN: Thank you.

MR. PERRY: I need to object initially to the method by which this meeting is taking place. It was difficult in being notified to appear here o time and also the fact that we're meeting in three different rooms.

I don't have a lengthy presentation. I need to make some points. I'm concerned about the state of which I'm a citizen. I am gravely concerned that this is not the solution or the

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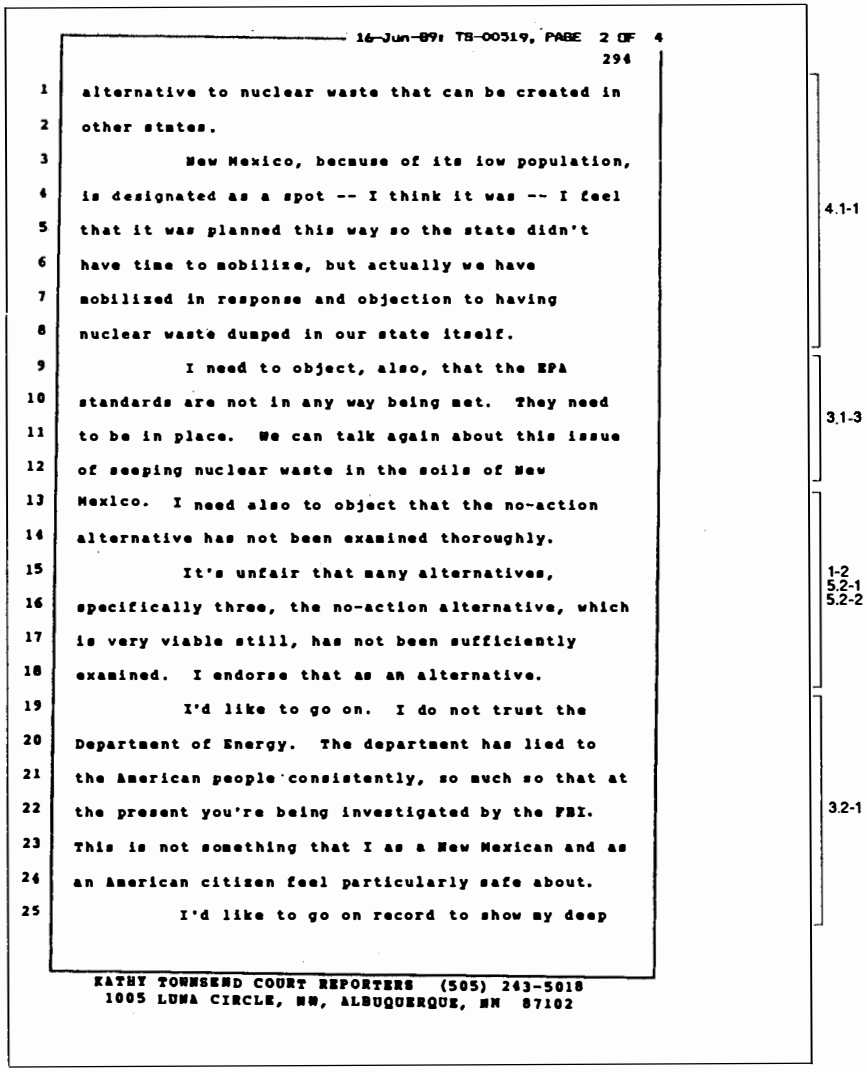

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alternative to nuclear waste that can be created in other states.

New Mexico, because of its iow population, is designated as a spot -- I think it was -- I feel that it was planned this way so the state didn't have time to mobilize, but actually we have mobilized in response and objection to having nuclear waste dumped in our state itself.

I need to object, also, that the EPA standards are not in any way being met. They need to be in place. We can talk again about this issue of seeping nuclear waste in the soils of New Mexico. I need also to object that the no-action alternative has not been examined thoroughly.

It's unfair that many alternatives, specifically three, the no-action alternative, which is very viable still, has not been sufficiently examined. I endorse that as an alternative.

I'd like to go on. I do not trust the Department of Energy. The department has lied to the American people consistently, so much so that at the present you're being investigated by the FBI. This is not something that I as a New Mexican and as an American citizen feel particularly safe about.

I'd like to go on record to show my deep

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concern for the lack of responsibility to the American people you're showing in shoving this nuclear waste issue down our throats and in our mouths. 3.2-1

There are a number of other concerns that I have, including the transportation of this waste, which will go on many highways throughout the country, specifically culminating in the west and in the southwest. In no way do these safety standards seem to meet the needs of the people. 7.3.3-4

This has been expressed in many states. New Mexico is one of many states that shares a grave concern for these poliutants whose life span far exceeds mine by hundreds and thousands of times traveling our highways. Because tourism is right now the lifeblood of the State of New Mexico and many of us are make our living in some way related to this industry, a very, very small and seemingly minute catastrophe would have long-range and severely devastating effects on our economy. 7.2-1 7.3.5.3-1

Santa Fe, specifically, has almost a thoroughly tourist-related lifeblood. Trucks will be traveling right through Santa Fe -- right through the main arteries of the city, at least until you build the highways you promised us -- and there is 3.1-2

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no sign of them being built yet -- I need to insist that this does not happen in our state.

The health risks which actually are first and foremost have not been addressed in any way sufficiently. Chernobyl is one of many examples -- or at least one of several examples most recently in terms of a country being devastated by nuclear poisons spewing into the atmosphere. 3.1-2

The Department of Energy is wise enough, hopefully, to learn from the mistakes of other nations. I don't see -- although I do say that they should be wise enough, in no way do I see this lesson being learned.

My understanding of Chernobyl was that simply the clouds of nuclear poison spewn into the air poisoned other countries and a good half of the globe for weeks and months.

I thank you for your time and for appearing here in Santa Fe, and I need to once again voice my strong objection to WIPP.

MR. EIGUREN: Kurt Faust? Following Kurt Faust will be Paul Folley.

MR. FAUST: My name is Kurt Faust. I live in Santa Fe, PO Box 8723.

MR. EIGUREN: Thank you.

MR. FAUST: My main objection is that the SEIS document underestimates the potential hazards that this project may have for my safety and the safety of the people in New Mexico, in this community, as well as the 26 outlying states that the nuclear waste is traveling through. There is a big mess out there and I think we all have to do something to clean it up. 3.1-2

It seems to me that there has been some irresponsibility in the way that nuclear energy has been dealt with. There has been lots of research done on it. Lots of progress has been made as far as what we can do with the atom; we can take it apart, we can zip it around in mile-long tubes, we can do a lot of different things with it.

And then there is this garbage that happens at the end of it, and that nobody has even really thought, "What are we going to do with this stuff?"

There has been a lot of irresponsibility that's happened. I think that the SEIS takes lightly the effect of low-level exposure to radiation. What I read in the summary had to do with their predictions that eight deaths would happen over a 25-year period. Well, acute deaths 7.13.1-1 7.13.1-7 7.14-10 7.14.1-2

from a spill may not happen; that trip after trip these things go on, low radiation released here, a little bit there. 7.13.1-2

It's long-term effects that I'm worried about. I don't think that the Department of Energy even really considered that. I would like to say something about the messes at other DOE facilities. You probably know better than I do what a mess they are. 7.14-5

The thing that I don't like about WIPP is that if it opens without meeting EPA standards, without meeting the RCRA standards, without having the NRC sanctification, then it gives a green light for producing more waste. I think that what we need to have is that WIPP be proven safe before it opens; that the Department of Energy have some kind of independent oversight and that all the federal, safety and health standards be met before WIPP opens. 3.1-2

Thank you.

MR. HIGUREN: I call Paul Folley followed by Bob Bradley.

MR. FOLLEY: My name is Paul Folley. My address is PO Box 16288, Santa Fe.

I'd like to ask a question. How many of 5.3-1

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you actually believe that those containers are safe? Do any of you?

My question to follow that question is, if you believe those containers are safe, why are we spending billions of dollars to ship them all the way across the country here? Why not just leave them in the containers? Either they are safe or they are not safe, right? Think about it.

And the other question -- before I go on, I'd like to give you a brief history about myself. I've been the chairman of the Toxic Waste Task Force and I moved here from Alaska where I was on the board of directors for a fisheries group. I've been in a battle like this before. I've been at hearings like this before. I've heard promises like this before.

You know who they came from? They came from Exxon. I talked to a friend of mine today and you know how big that slick is? That slick is bigger than the State of New Mexico right now. They cannot fish right now up there. All these people are being put out of work because we have these promises that we had a safe system for putting it together.

I was also there when they had the tests

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to be able to pick up the oil, and when they found out that the tests weren't working, they didn't tell the public that, they just kept right on going with the pipeline.

I feel like this is a similar project. I also feel ripped off that we're split up into three people here and three people there and three people there.

What I'd like to really do is I'd like to ask you some more questions, but before I do that, one thing I'd like to do is look at the facts, see, because behind every manmade disaster is a stack of paper that says that that manmade disaster is impossible to happen.

You look at it -- there was -- I bet they told the people at Chernobyl that that was going to happen; right? No way. The government said impossible.

Exxon and the government told us it was impossible to have an oil slick. I now hear that it's impossible to have a problem with WIPP. If you guys went to a bank with your record of being able -- or DOE's record of being safe with their handling of nuclear waste, you could not get a loan.

What I want to do is I want to ask you the

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most important question, and I want you to think about this question because it is something you're going to have to live with, the decision you make now is not going to affect you now, it's going to affect you when you're a grandparent, when you're thinking back on how you lived your life, because right now you have a choice you can make, you can make a decision that's easy, you can go with MIPP and you can look back when you're a grandparent and say, "Damn, you know, I had a choice to stand up in life, I had a choice to make a difference and I chose not to," or you can make a difference now.

I'd like to ask you a question. How many of you would risk losing your job to stand up for what you believe is right? If you believed that MIPP is not right, how many of you would risk losing your job to make that statement? Any of you?

I don't see a hand coming up. So, in other words, you're being held as hostage like us, see, because if you say no to MIPP, they might take your job away. That's an awkward position to be in.

I would look into your future and then come back to today and decide what kind of decision you want to make on that, see, because it is long-

term, it is long beyond our lifetime. We now have a chance to make a decision that will either set the course toward disaster or something you'll be proud of in the future to know that you stood up for what was right and I thank you for the time.

Thank you.

MR. HIGUREN: I call on Bob Bradley. Following Bob Bradley will be Hugh Jennings.

MR. BRADLEY: I'm Brad Bradley and this is my wife, Robin. We live at 512 Avenida Isidro in Santa Fe.

I'd like to recommend a name change for the Department of Energy to the Department of Extinction.

I'm a citizen of New Mexico, of this country, of planet earth. I am one of five billion people on this planet. We are all in the same spaceship traveling through space and time. We are all one.

Since the beginning of time, mankind has been fighting each other, continuing to feed fear and hatred and ignorance. But something happened a little over 200 years ago, this wonderful country was born. The first three words of our Constitution expressed so well the vision of that new land, "We

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the people."

In a world that at that time was totally ruled by kings and tyrants, a small voice stood up and said, "The people have rights"; yet it took us almost 150 years to begin to give our Black brothers and sisters their dignity, their freedom.

There has been a slow and steady movement throughout this beautiful planet towards freedom and enlightenment. Something much more powerful than Star Wars, than cruise missiles, than multi-million mega-ton nuclear nightmares. The process of total planetary love has begun.

The American leaders, the scientists who create evermore deadly weapons, the businessmen who sell evermore deadly weapons of destruction, the politicians who lust after evermore deadly power while all the while telling us the Russians are coming, the boogeyman is going to get us.

This country spends one billion dollars per day every 24 hours on defense, on the preparation of war. This money drains our economy, it diverts our intellect away from love and feeds a never-ending craving of hate and fear.

Has this intense paranoia made us safer, more secure, happier as people?

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Our oceans are dying. Our air is becoming unbreathable. Our economy is losing more ground each day. One in four of our children doesn't graduate from high school. A deadly disease threatens to kill millions of people worldwide.

What kind of world will we leave our children?

The masters of war, the destroyers of the worlds now tell us that it is in our best interests, we the people, to allow them to bury material that will remain deadly for a quarter of a million years in our own country. Not only must our taxes, our best brains, our children's future be given to you, but now you want to ship your garbage barge of death throughout our country.

You asked us to believe you that the WIPP site and the hundreds more that will be needed will be safe, that this is in our best interest. Were the bullets that killed the men, women and children in China recently in their best interests?

Will our country, which is forced to fill itself with deadly radiation, be in our best interests? I think not.

How long must this insanity continue? How long must this paranoid mentality of fear continue?

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Miilions and millions of people on this planet are beginning to say no more; no more hate, no more weapons.

The heartless, cruel leaders of the military industrial complex cannot stop freedom. They cannot stop the greatest power on this planet; love. Nuclear waste is nothing more than the shit, the evidence of what hate and greed create.

This planet belongs to us all. This planet is a beautiful oasis amid the vast emptiness of timeless space. We the people say no more, stop shitting on our world, in our homes. This planet is a living, breathing organism. If it dies, so do we.

This planet supports five billion humans and many more billions of other living creatures. Stop the madness -- for God's sake, stop the madness. We the people have spoken.

MRS. BRADLEY: I would just like to add one thing, and that is with three trucks coming through town every day -- allegedly through just this town -- and many more through other towns, what happens if a terrorist abducts a truck and threatens to dump a barrel of this stuff, blow up a barrel of this in our oceans?

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MR. EIGUREN: The next scheduled commentor is Hugh K. Jennings followed by Randy Pascall.

Hugh Jennings?

Randy Pascall?

MR. POSTAL: I'm Randy Postal, 66 Verano Loop here in Santa Fe.

MR. EIGUREN: Sir, I just want to make sure, is your name spelled correctly? P-a-s- --

MR. POSTAL: P-o-s-t-a-l, Postal, like the postal department.

MR. EIGUREN: Thank you. Okay.

MR. POSTAL: I know you folks, DOE, are under a lot of pressure because 700 million dollars has been spent, four years has gone by and we haven't solved anything. Many jobs are on the line. But I think that is not the greatest thing that we must consider.

Our government used to be a government of the people. Today, I feel it is no longer a government of the people, but our government is just big business. It's the best government money can buy. Special interests are running our country.

I feel that we have to get back to the people, and this is where you have to come in. You have to realize that our people are the ones that

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are running the country, and we don't have that anymore, we just have special interests, and you are the ones that have to go back to the DOE and tell your supervisors, at the risk of losing your jobs, that this culture here in New Mexico is a gentle culture and it doesn't want this kind of operation in New Mexico.

I'll tell you, I'm more afraid of the DOE and the way -- you were supposed to help our people, but now I'm afraid you're killing our people with letting out emissions into the air. This is dangerous. You're here to protect us and you're not protecting us.

I'm here to talk about the human error. I was a teacher and I was a coach and I've seen every day that people make mistakes, people make errors. Errors are a fact of life. You take the most graceful ball player, like Willie Mays or Hank Aaron, and these people make errors in their season. Everyone makes errors.

I was coming to work last month and I saw a truck overturned on I-25. It was a beautiful, crystal-clear morning, it was 7:00 in the morning, and here was a gas truck overturned on I-25. For no apparent reason, it went off the road, down the

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road, hit a tree and turned over and a thousand gallons of gas spilled right outside Santa Fe here.

What happened? The man fell asleep. You cannot guarantee that human errors will not happen. I live by 285; 285 is a rustic, old, funky road. It's narrow and it has many turns in it; it has potholes and it is no way a modern road. We have these trucks that are going to be going by every 90 minutes, these flatbed trucks, and I dare say that two flatbed trucks together can't even fit on that road. Then you take into account the weather. Well, New Mexico here -- last winter, we had ten feet of snow up in Taos. We have freezing rain, we have all sorts of showers, we have the Santa Ana winds that come at a hundred miles an hour -- a hundred miles an hour. All these affect driving conditions, but New Mexico is a beautiful state and it's a subtle state, and with the subtleties also comes great dangers.

It's like the road can be perfect for 35 miles, you can have a storm the night before and the sun comes up and clears off the road and melts everything, but you're on the north side of the hill, or north side of the mesa and come up over the hill and you're on glare ice, and this happens all

7.3.5-1
7.13.3-1

7.3.3.1-2

the time, and this causes many accidents and deaths in New Mexico. This weather, that it can be clear and you go around the curve and you're on ice, this happens all the time in New Mexico. With these big trucks and going high rates of speeds, you're setting yourself up for a big accident.

I own the Bountiful Cow Cheese Company here in Santa Fe and we get three to four trucks in a week from the west coast, from the east coast and from the midwest. I unload these trucks and I see the shape these truck drivers are in being on the road for 10, 12, 15, 20 hours. These people are strung out from the road. They are not always under the best judgment.

I'll tell you another thing, the trucking -- truck drivers today across this country -- there is an epidemic of drugs. They are on speed, crack, pep pills, whites, white crosses, whatever you want to call it, these people take things to supplement the long hours that they are on the road. So you take into effect, with the lousy roads we have in New Mexico, the weather and these truck drivers with enormous amounts of hours, some of them under drugs, and I don't see how you can say that there can't be a human error. There is hundreds of accidents each

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day across our country.

I was watching "60 Minutes" a few weeks ago and I saw where they have -- these big industries were starting to buy up Third World countries and starting to take their trash and dump it in these Third World Countries. Well, I feel like New Mexico is treated as a Third World country. We're a third Indian, a third Spanish and a third white. We're a gentle country and a gentle state and we're people that do not want to use the nuclear energy; we want other alternative sources.

You say you'll bring in a lot of money into this state. Well, I feel the only money that's coming into the state is for the politicians, for Carruthers, the way he's pushing the program down our throats.

I'll tell you, the baker is still going to be the baker, the potter is still going to be the potter and the carpenter is still going to be the carpenter, and there is no money coming to us people in New Mexico.

So if WIPP could meet the EPA standards and it's going to take time for them to do it, I suggest that instead of this absurd program to take this and put it on our national highways, that we

7.3.2.3-1

should build a railroad and keep it away from all centers of population -- this railroad just be built just for WIPP -- and the trains shouldn't go over 20 miles an hour, it would be like a long snake going through the prairie or the desert, but to put them on our roads is crazy.

So all I'm asking is pleasw keep this nuclear waste off our roads. Thank you.

MR. EIGUREN: I next call Andrew Marhe.

MR. MAIN: First off, they got my name wrong. It's spelled like "Main" Street.

MR. EIGUREN: M-a-i-n?

MR. MAIN: Don't ask me, that's what I told the machine on the phone.

MR. EIGUREN: Sorry, Andrew.

MR. MAIN: Well, I'm not too surprised. My address 522 Halona Street, Santa Fe, 87501.

MR. EIGUREN: Thank you.

MR. MAIN: I find I really don't have anything to offer that hasn't already been said many times over. There isn't anything I could say that everyone here doesn't already know. Everyone knows that even if the WIPP were all its proponents claim to be, it would hold only some one-tenth of one percent of the nation's radioactive trash. And,

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7.3.2.3-1

2.2-1

further, it is intended primarily to hold trash produced in the future, rather than what we already have. That is not a solution.

Everyone knows that serious problems have been found with the WIPP site -- brine leakage, cracks in the ceiling and so on -- not only by hothsads like myself but also by serious scientific types who are otherwise generally supportive of the kind of thinking that produced the WIPP. So the very name of the Waste Isolation Pilot Project is incorrect since it won't actually isolate anything. This misuse of language is typical of the big lie technique.

Everyone knows that the plans for transporting the trash through New Mexico and other states will certainly result in some of it being spread around the landscape and that nobody is really prepared to deal with the consequences. We can't even clean up an oil spill.

Everyone knows that the Supplemental Environmental Impact Statement is not what it is supposed to be, an objective assessment of the project's status and environmental impact, as well as of all reasonable alternatives. It is more akin to what we see coming out of China these days, a

2.2-1

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fabricated whitewash predetermined to support a policy decision already made. In such a situation, facts are irrelevant.

By now, everyone knows that the Department of Energy regularly and habitually lies to the American people and to other government agencies. Its name -- its name is a lie to begin with. It should be called the Department of Nuclear Weapons, since that's what it actually does. It doesn't have to do with anything else.

As is usual in show hearings of this kind, those who are opposed to the proposal are exhorted to engage in reasoned discussion based on factual information rather than emotional outbursts or harangues. Basically, I'm all for that, but how is it possible to have a reasonable discussion with someone to whom the truth means nothing, who will simply lie whenever the facts are inconvenient? It can't be done.

So, in fact, I'm not really here to address the DOE. The DOE isn't listening, as the trivialization of this hearing process should make amply clear to anyone who had the slightest lingering doubt. I have little doubt that the WIPP will be opened, even if a little later than

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planned. I am quite certain that the radioactive materials placed there will leak out, as they already have in many other places around the country, and cause untold suffering to living beings all over the earth.

3.2-1

There is only one way to stop being an alcoholic and that is to stop drinking. There is only one solution to the problem of radioactive trash, as well as any other kind of trash, stop making it. The so-called Waste Isolation Pilot Project is nothing more than a gigantic version of sweeping the dirt under the rug, an excuse to keep on producing more. Only when the persons responsible are ready to stop creating this problem will I begin to be convinced that they are actually interested in solving it.

3.6-1

I believe it is wrong to deliberately cause harm to other beings and I believe the Waste Isolation Pilot Project is a crime against life and a crime against the earth. I am here to discharge an obligation to my conscience, so that when the time comes to account for my presence on the earth, I will not have to account for this crime.

As the universe is ultimately one, complete and perfect, those who are responsible for

this action will ultimately experience the consequences. Everyone is free to choose how they will live their life.

MR. EIGUREN: The next scheduled commentor is Burt Thompson.

MR. THOMPSON: My name is Burt Thompson, 751 Airport Road, Santa Fe, the same zip code as most, 87501.

Let's see, I've got five minutes, right?

MR. EIGUREN: Yes. Give or take.

MR. THOMPSON: Good luck.

MR. EIGUREN: How long have you got? How long is your song?

MR. THOMPSON: My song -- I don't know how long it is, but anyway I'm going to try to do a short statement and then a short song.

MR. EIGUREN: All right. Okay.

MR. THOMPSON: Is WIPP necessary? Something has to be done with nuclear waste. I believe this alternative plan deserves serious consideration: one, no more uranium mining, no more uranium enrichment, no more plutonium breeding.

I just -- I was thinking about when I was in junior high, I started to read physics books, it was so fascinating, this was this isotope of

3.6-1

uranium-238 -- remember this? -- I don't know if you're a scientist or what you are, but when you first start picking up on the way the universe is made and what we have done with it, it's amazing. We find this very rare isotope, we enrich that out from the uranium and we found out that if you hit it with neutrons, it explodes.

And we've come a long way in 40 years or so, and I don't know how many millions of tons -- once it passes a certain number of millions, I lose track of it now.

Anyway, number two, nuclear power and weapons should be frozen where they are. We can have less dangerous alternatives. Solar power is in the same ballpark economically as nuclear power and there is no waste at all involved in solar power and weapons. I don't know how many weapons we really need, but I've heard that we've already got the capacity to make non-nuclear weapons the size of the Hiroshima bomb. Non-nuclear weapons, isn't that a thrill? Maybe the DOE could get into non-nuclear weapons next.

Number three, cut back all nuclear energy to zero. This is possible. We can do this. We could break our addiction to nuclear poison.

9-3

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Number four, and this is where WIPP starts to come in, isolate the waste where it is. Okay. Rocky Flats, all these places where it already is, isolate it where it is, thus avoiding the transportation costs and risks. Most of us today are addressing these risks, the bad roads, et cetera, et cetera.

Why make it more complicated than it already is? We've been making it more complicated for 40 years. We've got to simplify it. Leave it where it is. Also, in that factoring, we have to figure that the future is going to be a lot different than we ever thought. I'm sure, you know, none of us ever thought it was going to get down to this in New Mexico, especially the old-timers.

Anyway, gasoline prices are going to go up, who knows if there is a shortage or an embargo, a war over gasoline, whatever. How much gasoline are we going to put into trucking this stuff from who knows where to New Mexico? We're going to need that gasoline for transporting food, for many reasons. Gasoline is getting more and more precious.

Anyway, isolate the waste where it is, avoiding the transportation costs and risks, which

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are large.

Number five, use an artificial substance, such as developed by Los Alamos -- I read a few years ago they developed an incredible substance; they are working on other things, fortunately, over there than nuclear poison stuff. Okay. They've developed materials that can -- you know, you might have to use quite a bit of it, but the basic point is entomb the waste where it is, dig it up, turn it over, put it in something, but you don't have to truck it, and you have it encased aboveground away from earthquakes, pressure that you didn't suspect was there, what have you, and also away from the aquifer, from the water and what you have.

Then there are these new national monuments at Los Alamos, Rocky Flats, Savannah River Hanford, Fernald, all these places, you have some strange-looking new monuments to commemorate the departed nuclear age.

And what do we do with that hole in the ground down by Carlsbad? Human beings are very bright, we can come up with something to do with that hole. We can maybe work on the transportation experiments that other people are talking about, I don't know, that's -- we have to take the waste

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there to do that, I guess, but, anyway, we could do AIDS research, we could convert it into giant underground batteries for solar electricity. There are many ideas we could come up with so we don't totally waste that 700 million on WIPP.

But I think where we're at -- red light, I don't believe it -- we have to stop what we're doing, take a good hard look at it and go back to a nuclear-free world.

I'm just going to do a real quick verse of this song, okay?

MR. EIGUREN: All right.

MR. THOMPSON: It's -- you can sing along if you want.

MR. EIGUREN: Do it nice and clear for the record, okay?

MR. THOMPSON: It's called "Poison."

Because I know even the DOE doesn't want to deal with poison, I wish we'd all know that. Poison in our water, poison on our plates, poison in our ear, poison in our fates, poison from our factories, poison from our farms, poison from our weapons, poison in our arms, poison in small doses, poison makes you cry, poison mixed with poison, poison makes you die.

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Last verse, let's hear it for poison. Poison, can get it; poison, are you strong; poison, can we stop it; poison, don't take long.

Thank you.

MR. EIGUREN: Ladies and gentlemen, that concludes our list of scheduled commentors for this segment of the hearings. Let me call the names of some individuals who I called earlier who didn't respond.

Bill Davis?

Leslie Davis?

Charles Woodaan?

We've gone through our list of commentors for this, the day session, of our public hearing.

We'll go back on the record at 6:30 PM for the receipt of comment then. We'll stand in recess until 6:30.

(Proceedings recessed until 6:30 PM.)

STATE OF NEW MEXICO)
)ss.
COUNTY OF BERNALILLO)

We, Jeanne Hirner and Kathy Townsend, the officers before whom the foregoing hearing was taken, do hereby certify that we personally recorded the statements by machine shorthand; that said transcript is a true record of the statements given; that we are neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this matter is taken, and that we are not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

Jeanne M. Hirner
NOTARY PUBLIC
CSR License Number: 313
Expires: 12/31/89
My Commission Expires: 5/12/93

Kathy Townsend
NOTARY PUBLIC
CSR License Number: 120
Expires: 12/31/89
My Commission Expires: 9/12/89

BEFORE THE UNITED STATES DEPARTMENT OF ENERGY

IN THE MATTER OF THE SUPPLEMENT)
TO THE ENVIRONMENTAL IMPACT) PUBLIC HEARING
STATEMENT FOR THE WASTE ISOLATION)
PILOT PLANT PROJECT)

TRANSCRIPT OF PROCEEDINGS

June 16, 1989

Evening Session - 6:30 PM

Main Room

at

Sweeney Convention Center
Santa Fe, New Mexico 87501

BEFORE

ROY EIGUREN, Hearing Officer
ARLEN HUNT DOE
PAT SALLANI, DOE

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MR. EIGUREN: We'll now formally go back on the record. This is Department of Energy Proceeding Number 0026-DS, being held on the 15th day of -- excuse me, the 16th day of June, 1989, in Santa Fe, New Mexico, for the purpose of receiving public comment regarding the Draft Supplemental Environmental Impact Statement prepared in relation to the proposed operation of the department's Waste Isolation Pilot Plant located near Carlsbad, New Mexico.

My name is Roy Eiguren. I'm the hearing officer for this proceeding and I'm not a DOE employee. I'm an attorney in private practice with the law firm of the Lindsay, Hart, Neil & Weigler. My sole purpose in being here is to conduct this particular public hearing.

What we've been doing, ladies and gentlemen, is going through a list of commentors who have either preregistered to comment here this evening or, in the alternative, have registered at the door to provide comment.

What I will do at this point is just go ahead and begin the receipt of that comment for those of you who are registered this evening. In the event that I do call a name and don't get a

response, what I've been asking people to do -- or what I've been doing is going back to the top of our list later in the program, calling your name and bringing those people up as they come into the hearing room.

We'd like to indicate the rules are very simple. We would ask that when your turn comes to speak, you would step forward to the podium to my right, your left, give us your name and your address. You have five minutes within which to comment. A green light goes on at four minutes, a red light goes on at five minutes. I would request that when you see the red light, you would bring your comments to closure.

If you do have a written comment, I would like to receive that for the record and mark those as exhibits and include those in the record of this proceeding. Written comment and oral comment receive the same weight, the same level of consideration in the record of the proceeding, so if do you have written comment with you, it's greatly appreciated, it does help supplement and add to what written or oral comment you may have.

At this point, we'll go ahead and begin to receive public comment from those of you who are

registered to speak this evening. Before I do, however, I will indicate that we have during the break received yet an additional set of written comments from Tashe Andrea Barn of Santa Fe, New Mexico, marked Exhibit 384.

(Exhibit 384 marked.)

MR. EIGUREN: Our first scheduled commentor for this evening is Joyce Schorr. Is there someone here to -- our first commentor was Joyce Schorr, she's not here.

MS. SCHORR: I'm here.

MR. EIGUREN: I'm sorry. Excuse me, Joyce. Please proceed. 16-Jun-89: TS-00527, PAGE 1 OF 4

MS. SCHORR: My name is Joyce Schorr, S-c-h-o-r-r. I live at Route 10, Box 109-B, Santa Fe, New Mexico, and I've been a resident of Santa Fe for eight years. Prior to that, I lived in Washington, DC, and I was involved in the Global 2,000 Report at American University and worked very actively as a lobbyist for Ocean Thermal Energy Conversion, which is an alternative to nuclear energy.

But this evening, I'd like to ask everyone to come forward and I'd like to have everyone be quiet and let's do a meditation with the

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concentration in the eastern direction for Washington, DC.

And for an opening, I will lead you in just a short meditation, so I'm going to ask everyone in the rear please to come forward and be seated and everyone that's sitting back, let's all get closer together, if we would, please.

You're not moving.

Do you want to blow my five minutes? Come on.

MR. EIGUREN: Joyce, what we'll do is we won't start timing you until they get up here.

MS. SCHORR: Okay. I see a lot of people still sitting in the back. Are you afraid to be seen? I guess you are.

Okay. If we can all maybe just turn our bodies, our heads, some of you want to sit on the floor, and let's face towards Washington, DC, and put our hands on our hearts. Over there, you can turn those chairs, I think, maybe they are not attached to one another, I don't know.

MR. EIGUREN: I think they are.

MS. SCHORR: Yes.

MR. EIGUREN: Your five minutes now begins.

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MS. SCHORR: Okay. I'm going to ask you to repeat after me a Sovie practice, which is an arabic word from a very old tradition and it means the opener of the heart, and there are 99 names of God that -- and many more that are in the Sovie tradition. The words are "ya-fatah," and it means the opener and the clearer of the way. And I'm going to ask us to repeat that 11 times and with the concentration on our leaders in Washington, DC.

Okay. As you sit, you can move your arm out off your heart to open it up and send it off, and remember that the trade winds of the world are behind you and they are sending your words very powerfully in that direction because the winds all move from a western to a eastern direction.

So let's begin. We'll say this 11 times. Ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah.

Let's do it 11 more times. Ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah -- I lost count.

We'll do it 11 more times. Ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah,

9-1

ya-fatah, ya-fatah, ya-fatah, ya-fatah, ya-fatah.

Now, if we can all just take this short period of time to take that energy that we've created through sound and through a prayer word, because that is the name of God which means the opener of the heart, and if we can just focus that energy around our leaders and with our deepest prayers and our deepest longing for some solution to the problem of the storage of the nuclear waste and focusing on the fact that there are other forms of energy in great abundance available that can be utilized rather than nuclear energy and realizing that there are some good uses for nuclear material in medicine at this point in time and not eliminating that, because nuclear material in itself is not evil or bad, there is nothing evil in the world, it's only the way man utilizes it and so we are solely responsible.

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(Silence.)

We should come to a close at this point in time and I thank you all very much.

MR. EIGUREN: Would you remember --

DR. MARCH: Dr. Robert March. I would like to really request -- maybe request of you upstairs -- and apparently it has been considered--

but, deeply, the people in Santa Fe would really like to be together for the last day of the hearings, and we know according to the schedule that there is two rooms over in the Eldorado Hotel that have people -- individual people in them only up until 11:30 in each room, so we would ask that the DOE really seriously consider having us all together and going a little bit longer.

I've been here all the days of the hearing, you've been here, we've all been here, but just to accommodate the people whose hearing it is, it is our hearing, it's our chance for public input, please see if we could be together tomorrow at the Eldorado Hotel in one room.

MR. EIGUREN: After that's so noted, I will bring it up with the presiding official of the department. I will have an answer later this evening or first thing in the morning.

If I could make one request of you to come back to the podium, I just need to ask a point of clarification. The reason of the dual hearings is to take -- the potential problem would be if there are a significant number of at-the-door registrants, it would make matters difficult in terms of trying to accommodate everybody, but we'll bring it up with

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you in the aorning.

DR. MARCH: Thank you.

MR. EIGUREN: Thank you. Ladies and gentlemen, we're now at the 189th commentor for this session, that's Sarah Way. Following Sarah Way will be Alan Phillbrick.

Could we have your name and address for the record, please?

MS. WAY: My name is Sarah Way. I live at Route 3, Box 101-A, Santa Fe, New Mexico.

I'm not a public speaker, but I feel that I have to speak out, to voice my opinions and those of my neighborhood and my generation. I do not know all of the facts, but I do know that I don't want WIPP shipments run through my back yard.

I live in a small community at the junction of I-25 and Highway 285, the turning point of the WIPP trucks. I believe that this rural area is one of the prettiest places of Santa Fe. In this neighborhood, everyone knows everyone, from the oldest to the youngest. It is a place of peace and contentment. It is our hoae. It will only take one accident of coming off the exist ramp too fast or sliding on the usual winter ice to completely destroy the area. The guesstimated number of

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7.3.3.1-2

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accidents is about 16 to 19. Which one will be ours?

I also think we should take the history of this area as an example for ourselves. The civillzations of the southwest were prosperous. The pueblos thrived. 1,000 years ago, they didn't think their way of life would disappear. They couldn't plan for the arrlval of the Europeans and their technology. The same goes for us. We cannot plan 1,000 years into the future, let alone the thousands aore that this project will last.

Granted, I am only 17 and I'm still ignorant of the ways of the world, but my generation has as much of a right to know about WIPP as everyone else, if not more so. We're the ones who will have to deal with any errors made now. We're the ones who are going to have to pay for the security on the site. Most of all, we alght pay for it with our lives if an accident occurs. I would like to look forward to a long, enjoyable life, hopefully, here in the southwest, but WIPP could take that all away.

I would like to add that I'm not necessarily against WIPP. I agree, something has to be done with our nuclear waste, but we need to

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7.3.3.1-2

3.1-2
3.1-8

produce the highest possible level of safety. However, we have to live with the decisions made now and the DOE owes it to us to be completely honest.

Thank you.

MR. EIGUREN: Thank you. We'll mark as Exhibit 385 the written comments of Sarah Way of Route 3, Box 101-A, Santa Fe, New Mexico. Thank you for your testimony.

(Exhibit 385 marked.)

MR. EIGUREN: I would next call Alan Phillbrick.

MR. PHILLBRICK: Good evening. My name is Alan Phillbrick. I live at Route 10, Box 83-A, Santa Fe, 87501.

MR. EIGUREN: Thank you.

MR. PHILLBRICK: The Bush administration seems to be following in the footsteps of their predecessors in giving environmental concerns little more than lip service, while at the same time focusing their attention almost exclusively on economic concerns.

This is ludicrous and unacceptable. The economy is a manmade tool which can be manipulated in an infinite number of ways to suit the needs of society. There is no sense in worrying about it.

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3.1-8

3.1-8
3.2-1

The earth and its ecosystem, on the other hand, is neither manmade nor man-controlled, although our increasing numbers and our expanding technology demand that we accept an ever-increasing responsibility for the maintenance of the environment.

Radioactive waste is by far the most deadly and longest-lived contaminant mankind has yet produced. Nothing ever built by man has lasted, or shows any signs of lasting, as long as these wastes will remain dangerous.

The idea of doing a rush job of getting such wastes out of site and out of mind without as much as proper safety testing and certification by the only US organizations capable of doing such a methodic thing, the EPA and the Nuclear Regulatory Commission, is horrifying.

I think we will discover with time, unfortunately, that there is no truly safe way to deal with radioactive waste permanently and it is my hope that the production of such wastes will be completely stopped as soon as humanly possible without regard to economic concerns.

If America put the kind of effort into producing new, clean sources of energy that it did

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into the space program in 1960's or the defense industry in the '70's and '80's, we'd have plenty of clean, nondestructive energy in no time at all.

It's time that we insist that our leaders focus their policy-making on producing a healthy planet instead of a healthy economy.

By showing resistance to the implementation of such a hastily conceived and untested facility as WIPP, it is my hope that we can signal an end to all governmental policy-making which puts economic concerns ahead of environmental concerns. 3.6-1 9-3

Thank you.

MR. EIGUREN: We'll mark as Exhibit 386 in the record of these proceedings the written comments of Alan Phillbrick of Santa Fe. Again, we appreciate your comment.

(Exhibit 386 marked.)

MR. EIGUREN: We would now call Laura Glicken, followed by Marth Farr.

MS. GLICKEN: My name is Laura Glicken. I live at -- is this okay?

MR. EIGUREN: Yes.

MS. GLICKEN: I live at 217 Hyde Park Estates, Santa Fe.

MR. EIGUREN: Okay.

MS. GLICKEN: I am a taxpayer, a voter, a parent, a 20-year resident of Santa Fe, a professional. I'm a clinical social worker.

I'm not a scientist and I'm not an engineer, but I am very concerned about the unresolved problems that I hear about and read about at the WIPP site. These problems are noted by many scientists and engineers, by many of our legislators and even, I understand from the recent media, by many internal memos in the DOE concerning that it's too soon to open the WIPP site. 3.1-2

The standards for safety seem not to be met. I'm very concerned about the possibility of human error. I don't want Southern New Mexico to turn into another Chernobyl or Three Mile Island.

I'm very, very concerned about the safety of transport. We don't want Santa Fe to be another Valdez, Alaska, where there is a catastrophe which the community is not really ready to meet, where there are standards that are written somewhere about how those things will be addressed, but where, in fact, when a catastrophe happens, the community is not ready to take care of it. 7.3.5-1

We in Santa Fe and the people -- all of us

along the route need to consider leaving our homes, as many in Valdez and other places along the pipeline have done, knowing that that kind of an oil spill can take place for them. 7.3.5-1

I urge that the current waste stay put where it is while more research is done. I'm very concerned with the notion that we open the site for five years, try it out and see what happens. It doesn't seem to be our experience that the things -- it doesn't seem to be our experience that when something opens, it's easy to close. It seems like it would only take a catastrophe in order to close the place. 1-2 5.3-1

I agree with the skepticism that many of our legislators and others have voiced about DOE's credibility these days, and I agree with Max Cole, why not have the Nuclear Regulatory Commission certify the site be ready rather than the DOE. 3.2-1

I realize that this remark is not directed at you, but I'd like to make it for the record. I am appalled at Governor Carruthers' position regarding Businesses Against WIPP and his denial of First Amendment rights to those of us who want to stand up against it. 9-7

I would like to applaud our usually

conservative daily New Mexican for coming out with the same position. I urge you to listen to all of us and our -- us very concerned citizens of Santa Fe. 9-7

Thank you.

MR. EIGUREN: Thank you.

Our next preregistered commentor, Denise Kelly, cancelled her appearance this evening, so we move then to Marth Farr.

MS. FARR: I'm Marth Farr. My address is 508 Calle Corvo in Santa Fe, 87501.

MR. EIGUREN: Thank you.

MS. FARR: I appreciate this opportunity to hear the viewpoints of my fellow citizens and to voice my own thoughts regarding the Waste Isolation Pilot Plant. However, I am disappointed that the speakers have been separated into different rooms. I would have liked to have heard what everyone had to say and to have lent everyone my support. 8-7

I agree with much of what has already been said at these hearings and admire the beauty and eloquence with which those before me have expressed their concern. I, too, am concerned that the Department of Energy's proposal to initiate waste emplacement at the WIPP site under the guise of a 3.2-1

test phase is an attempt to circumvent the necessity of meeting EPA health and safety standards. 3.1-3 3.2-1

The suitability of the Carlsbad site for use as a nuclear waste repository is questionable at best. The environmental repercussions of subterranean waste storage have not been adequately addressed; too many unknown quantities still exist and insufficient research has been directed toward examining such variables as brine seepage, gas generation, aquifer flow rate, salt dissolution and salt creep. 4.1-1 5.1.1-1

Research into the structural integrity of the TRUPACT-II container has been scanty as well. The ability of the container to withstand the crush has not been demonstrated experimentally. Further testing must be undertaken before any transportation of waste within these containers can even be considered. 7.3.1.1-9 7.3.4-2

This is no time for sloppy or incomplete research and the emphasis upon expediency at the expense of us is unacceptable. Until new EPA standards have been released and full compliance with these standards has been independently verified, WIPP must remain as the DOE's unfortunate and expensive delusion. 3.1-3

Thank you.

MR. EIGUREN: Thank you.

Our next scheduled commentor is Pat D'Andrea. Pat D'Andrea?

I'll note for the record that in the event I call a name and they are not here, we'll call their name later in the program to make sure we've not missed anybody.

Our next preregistered commentor was Elizabeth Fordyce and she cancelled her appearance this evening.

I would next call Munsie Davis. Munsie Davis? Once again, I will call his name later.

Morey Brooks?

MR. BROOKS: Hi. My address is PO Box 159, that's Chimayo.

Basically, I'll start out, I'm against WIPP and there is lots of reasons why. One of the first things I learned in college when I had my mathematics probability class analysis, modeling, et cetera, is that you can make statistics lie as much as you want. 2.3.1-2

I've read through the first book of SEIS, and I'll tell you, I would consider 79 percent of those number fake. I can make them look that way or

I can make them look worse just, you know, by moving the variables around, and I think that's what the DOE has done in preparing SEIS.

Looking at WIPP a little bit, the site, I feel that from what I've heard from independent scientists, who I tend to trust a little more than DOE, is that in the drilling of WIPP, there has been shattering in the ground.

Now, okay, shattering, what's it going to do? Shattering from above means that in a thousand years from now, maybe in ten years from now, rain water -- like a broken window, you know -- with little shatters, rain will start to inch down into this pit, these rooms which are 2,000 feet under the ground. Okay, that's one.

For two, the cracks down below will start acting like a -- I'm not sure of the name of the term -- but where it sucks water up through the cracks.

From my understanding of the brochure, about 3,000 feet under the surface, there is ocean water from billions -- I don't know how many years ago, and I feel that will eventually work its way up. And between what works down and what works up, something sooner or later is going to hit WIPP and

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7.8.2-1

what's going to happen is we're all going to be whipped by WIPP.

What we have happening today at other DOE sites where there is horrible accidents happening with spills, leaks, contamination in the area, et cetera, is going to be the same situation in WIPP in five, ten, maybe thirty years, I don't know when, but soon.

I feel that the government has to look at our national energy priorities in addition to how to deal with nuclear waste, the TRU. I feel that, you know, all other priorities, such as solar, wind, et cetera, have been put on the back burner by big business, such as Westinghouse, General Dynamics and a whole slew of other big companies that are paying people to be on committees, that are just rattling away time trying to get projects like WIPP, missiles, et cetera, into place, and this is just another one of those big business schemes to make money and I don't want my tax dollar and I don't think anybody else should have their tax dollar paying for it.

I realize -- I realize someone has got to pay for it all and I know we're going to pay in the end, but the only thing I can say now is I want to

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7.8.2-1

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start to look at how we can minimize what we've got to pay in the end because it's got to be a lot.

As far as WIPP goes, from the time things are loaded onto trucks or rail en route here -- I don't understand why they've chosen trucks when, according to your own statistics, rail is quite a bit safer and according to your records to the SEIS notes, most rail -- most sites are covered by rail, there is a few that aren't, but most are, which means that a good percentage of it could be delivered by rail, not that I want it, but if you guys say that you absolutely have to, our talking doesn't do anything.

In looking at the probability factors we've given of accidents of leakage, of spills at the site, et cetera, what happens if these factors increase by a factor of one million or one billion, as could easily happen, such as in the case of Three Mile Island, the recent oil spill and a whole slew of other accidents where probabilites were like so nil it just can't happen. You know, what happens if that happens?

Also, I think that looking at how you're going to be using the land around there, still permitting this land for grazing, et cetera, I don't

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7.13.3-2

recall the exact distance, but I feel like there should be a huge area where cattle can't graze and where that has to be all closed off, because even if it's 200 miles and you get a dump, the animals are going to get it and we're going to get it.

I guess what I really want to say is that it feels to me that the DOE is just walking along on a little diddly-diddly path and doesn't give a shit about anybody except Westinghouse and General Dynamics, et cetera.

I want the DOE, before they start with WIPP, if they ever do, hopefully not, to meet all EPA standards that the EPA has put in place for a reason and their standards have been in place for a reason. They've been reviewed, there is professional scientists in all fields of science that overlooked that process to make sure that DOE and NRC, et cetera, on down the line protect the people. After all, DOE is, if I'm not incorrect, a branch of government of the people and for the people and by the people.

Now, I realize that these outside influences kind of distort that, but that's all the more reason why EPA has to have an important say. I think hearings like this on the SEIS are real

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important and I really applaud the government for having implemented this with the EIS process and hope that this could be and will continue to be a part of all major developments that affect this country in the future. I think it's really helpful and at the same time, again, there are certain political figures in this state that seem to be taking a more political stance on it and saying that if you say something, you know, you're not getting contracts and, you know, I think the DOE should also watch out who they are dealing with in this state.

One question I've had in looking over the SEIS is what happens if you load this percentage of waste in there and after a couple years you find out that it is leaking and you have to pull it out?

Now, my understanding is, is that because of salt creep these will eventually close themselves off, which means you're going to have to go drilling into rooms where tanks or boxes or whatever from the waste is stored in to get this out, increasing the amount of damage that's done.

Why can't -- as one of your alternatives was, why can't you use the test-site approach where you have a laboratory somewhere, a mocked room -- maybe make five mocked rooms of waste to study the

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gas -- the gas that's given off by the TRU wastes, et cetera?

MR. EIGUREN: Mr. --

MR. BROOKS: I feel that -- one more moment.

MR. EIGUREN: Sure.

MR. BROOKS: I feel it's a responsible approach to doing a little study and testing first before you get into an incredibly expensive and dangerous process which -- with consequences that are irretrievable. I'm told I've got to finish up there.

MR. EIGUREN: You've gone over your time.

MR. BROOKS: I wish I could go on, but I'll stop there. Thank you.

MR. EIGUREN: Thank you.

Please forgive me if I'm about to mispronounce this name, Katherine Lage.

MS. LAGE: I am Katherine Lage. My address is general delivery -- my address is General Delivery, Llano, New Mexico, 87543.

MR. EIGUREN: Yes. Thank you.

MS. LAGE: I am opposed to using the State of New Mexico as a dumping ground for America's nuclear waste. This state is one of the few

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remaining areas in our country which still has relatively clean air and pristine natural beauty.

Why do you wish to spoil it with these truckloads of poisonous garbage and why do you wish to endanger the lives of Americans all across the country by shipping the waste in trucks through their communities? Why do you wish to bury it in a place where the walls and ceilings are already cracking? It is ill-advised to move the waste to other locations. 1-2

The environment is already contaminated where you've run your weapons factories. Why not put the waste in your TRUPACT containers and leave them in the facilities where they were created? We in New Mexico already have enough of this garbage from Los Alamos. We do not need or want more.

We are not impressed by your promise of jobs. The poor souls who work at the WIPP site, should it open, will have to spend their earnings on hospital bills for treating the cancers that will result from handling the waste. We have a fragile economy here largely dependent upon tourism. You will ruin that with your life-threatening shipments. 7.2-6 7.2-31

Just as you have no regard for the lives 7.2-31 3.2-1

of the people at whom your insidious weapons are aimed, neither have you regard for the lives of Americans whose air, earth and water you have poisoned in the process of making them.

I am deeply ashamed that I live in a country which has weapons of indiscriminate destruction aimed at my brothers and sisters in other parts of the world.

I am deeply ashamed that I have contributed to them with my tax dollars. I am wary to the bone of your cold war, your wars on defenseless, impoverished third-world nations, your greed and your blatant disregard for human life. 3.2-1 3.6-1

If you truly care about our national security, stop poisoning our nation's air, earth and water. Stop poisoning our spirits with your arms race.

For the sake of the children of this nation, please leave the radioactive waste where it is and stop making more. 1-2 3.6-1

MR. EIGUREN: Thank you.

Our next scheduled commentor is Lulu Garfield. Lulu Garfield?

I'll note for the record, ladies and gentlemen, that we're running a bit ahead of

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schedule, so some of these folks might not have arrived and we'll call their names later in the hearing.

John Dellameter?

MR. DELLAMETER: Hello. Hi. I'm from -- I've been watching the hearings and --

MR. EIGUREN: Excuse me, could I get your address for the record, please, before we begin?

MR. DELLAMETER: My address is 717 Kathryn Avenue, Santa Fe --

MR. EIGUREN: Thank you.

MR. DELLAMETER: -- New Mexico.

Anyway, I really want to hand it to you for sitting up here and listening to this hour after hour and not being able to say anything; that can't be easy.

I wanted to talk about more from a feeling place than facts. I used to be one of these people that believed that pretty much whatever our government did was going to be the right thing and -- you know, and I spent a lot of time defending what went on.

I kind of lost a lot of that when I took a trip to Nicaragua and I went to a demonstration down there, and then while I was down there, I read the

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New York Times review of what went on and I found out it was totally different than the place I had been. They talked about the heavy-handedness of the police and the -- just this general impression, and it wasn't that way at all. Those people really supported the government.

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And I might be kind of a slow learner, but that got me thinking and got me looking at what I've read in the newspapers and what I've seen, and we all know there has been quite a list of, I guess, abuses to the credibility of our government. Maybe this Rocky Flats thing is the latest. We've been told not too long ago what an outstanding job they were doing and now we found out it might not be true.

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So I wanted to ask you as representatives of the federal government, and maybe all of us, to take this opportunity to really, perhaps, increase our intregity a little bit as a country and as people. It's no fun when you travel and you're embarrassed to be an American, you have to apologize.

I think we have an opportunity now with WIPP and, I mean, just -- I think we have an opportunity here at every level to bring a little

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more integrity and maybe a lot more truth into what we learn, into -- just into the way we do business and into who we are as people.

I -- as far as WIPP goes, I keep thinking about responsibility. I believe that all of us are responsible for the nuclear waste that's been generated. I mean, it's not somebody else's problem, it's mine as much as everyone else's, and if WIPP really is the answer, if it turns out that it can be stored safely and this is the best alternative and can really help, maybe we should have it.

I'm not excited about it as part of our state or our whole part of the country, about having this nuclear waste. I think it's the most beautiful place in the world and I hate to see this happening here, but a lot of other parts of our country and the world have been sacrificed in a way for progress, and if this is what we have to do to clean up our arms mess, maybe we have to do it.

I do feel, though, that we also have to be responsible as far as taking every precaution we can, really being sure about what we are doing.

Currently, we've got two or three years, perhaps, but to really investigate this problem,

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just to know all the facts. I'd really like to think that that's what we were doing, that we're making the most intelligent choices we could. If we're wrong, we're wrong, but it's not because we were haphazard or we didn't care.

I'm a carpenter and we're always told to measure twice and cut once, and if that's important with a two-by-four, I really feel it's critical for our nuclear waste and our environment and our public safety. I'd like to see us not use waste disposal areas here or in Nevada or anywhere as an excuse for generating more waste.

I hope that -- I guess if I had my way, we'd link the WIPP project to any other waste disposal storage project with concrete initiatives to eliminate and maybe -- maybe some day even eliminate nuclear waste altogether. That's what I have to say.

Thank you very much for your time.

MR. ZIGUREN: Thank you. I now call Malcolm Kent.

MR. KENT: My address is 502 Silva Street, that's in Santa Fe.

MR. ZIGUREN: Thank you.

MR. KENT: Plutonium is a matter of life

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and death. As far as big business and government is concerned, it's a matter of money and power. So it's life on one hand and it's power on the other hand.

I'm moved and I'm concerned because I'm concerned about our future, so I looked up plutonium in the dictionary -- a couple of dictionaries, actually, and I couldn't find it, didn't seem to be in there, and I wondered why. And I thought, well, is it because it's not a natural substance, it's not a substance that's found naturally in our environment?

But I did find some other words that amused me. One was Pluton and another one was plutocracy, and I realized that's perhaps what we live in; that this government is concerned about money and power, we live in a plutonium plutocracy right now.

For the benefit of those who haven't looked in the dictionary recently, Pluton is a Greek word for the God of the subterranean and underworld, infernal, hell, if you like. It's the demonic forces, so to speak.

Plutocracy is quite unlike real democracy. Plutocracy is to rule by the wealthy, is

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to rule by the rich. So in these times of wondering what we're going to do with our plutonium waste, I realize that it's the plutocrats that are creating it -- are creating this problem and that we truly don't know what to do with it; we truly don't know where to put it and yet we make more.

This country was based on fine constitution, it was based on justice, it was based on law and law comes from natural law, and natural law is ecology and natural law is when things in our environment are living harmoniously and we don't end up with this awful deadly substance that causes death and destruction to living things that come in contact with it.

I mean, there is more than five billion people on the planet now and it comes down to human priorities, whether we want money, power, big government, security or whether we want clean air and clean water and land that will still nourish us as humans, as well as nourishing all of the other species that we co-exist with.

It seems that WIPP is like a large, black hole on the planet earth. It's kind of like our dark side. As we get bigger and our missiles get bigger, then we've got to dig deeper and deeper and

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deeper to hide it.

Well, there comes a time that the tail of this industrial dragon that we call our western industrial democratic economy tries to bury itself in the ground. Now, maybe that's what's happening with WIPP, except it's cracking.

As the WIPP cracks, as the containers crack, as the geological formations move in the earth, then we as human beings, we start to crack, we start to lose our sanity and we lose our sense of co-existence on this beautiful environment that we have on the planet earth.

And there is alternatives: there is alternatives so that all five billion of us can live together on this planet in simplistic luxury and there is alternatives with respect to transuranic waste. The alternatives are basically that we shouldn't make any more and what we've got already made we should just keep it where it is.

Thank you.

MR. EIGUREN: Thank you, Mr. Kent.

Our next scheduled commentor is Joseph Oliaro.

MR. OLIARO: My name is Joseph Oliaro and I live at 2800 La Junta in Santa Fe.

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MR. EIGUREN: Thank you.

MR. OLIARO: I love to hear the energy of Malcolm and before him Kathryn. I'm so pleased to find that I'm not alone.

Before I make any more personal comments, though, for the sake of our struggle here, what I would like to do is enter three things into the record: first, I object to the way they decided to conduct the hearings -- it's been said, but I'll say it over and over -- people came here in order to hear other people and it's not possible to hear what caused the clapping out in the other room ten minutes ago, it may have been something that everybody here needed to hear or feel. So your approach defuses the impact of these hearings.

My wife's suggestion was that the logical conclusion to your solution would be that everybody speak at once and we'd be done in five minutes and we could all leave.

Secondly, I would like to enter for the record that all the problems with the WIPP site and with transportation and everything else you've been hearing for the last couple of weeks, I strongly urge all legislators concerned not to introduce or push a land withdrawal bill, and also I strongly

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object to any consideration or any attempt by the DOE to force an administrative land withdrawal. 6.1-1

Thirdly, in light of what the FBI has found at Rocky Flats and the Albuquerque office of the DOE, I feel that citizens of New Mexico and our legislators must insist that no WIPP occurs until at least newly promulgated EPA standards are met. 1-3

Thank you.

A few more personal thoughts. What got me here today was that I learned that I've been ignorant in all these years of the fact that this waste is produced by the process of making bombs. I was shocked to hear that two-thirds of the WIPP capacity is designated for new waste and that WIPP, in effect, opens the door to continued bomb-making.

I probably never would have gotten up here to speak, because I thought I would say something that everybody else had to say, but just to repeat what Malcolm and Kathryn and how many others have thought and felt, to repeat that the issue is bomb-making and we want to do whatever we can to stop the bomb-making. Bomb-making pervades our entire society. I can't get my son to stop playing with little guns and toys, with tanks and M-16's. Like many of us who are avoiding the issues of WIPP and 3.6-1

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what nuclear contamination means to our society, I've probably also avoided the reality that bomb-making pervades our society. 3.6-1

Our government was founded by vital means, as all governments are, and it can only be sustained by vital means. I ask people here who have come in their courage to testify and have come to give their energy to remember that WIPP is a symbol of this bomb-making. And once we've -- if we're successful in stopping WIPP and stopping the potential for contamination, then we don't forget that we need to stop the bomb-making.

And I ask you, gentlemen, who in your position now probably think what I'm talking about is pretty far out, but I ask you at least to think and at the very least not to do -- to complete this project until you're sure that it's going to be safe for 240,000 years. 1-3

That concludes my statement. Thank you.

MR. EIGUREN: The next scheduled commentor is Stephen Swainson. Stephen Swainson? He's scheduled for a bit later, we'll go ahead and call his name later in the hearing.

Liz Randall? Liz Randall?

We'll call her name a little bit later,

also.

Maya Brooks.

MS. BROOKS: Hi. I'm Maya Brooks and I live in Chimayo, PO Box 159. My telephone number is 351-4518.

Sure, I'm here because I'm against WIPP, but I don't think WIPP is the only problem. I think we have to go further, we have to find a way to live in peace together and not to make the war industry our income.

I think about 40 or 50 percent in the United States lives now by making weapons and there is a lot of people who make money by it and I think it's -- it's ridiculous. I don't want to say that the United States is the only country. It happens in many countries -- also in Germany where I'm from -- but I think it's time that we change it. It's time that we find peaceful ways to live together because it can't go on like this. It can't go on like this.

This world is so crazy. I'm not religious, but I feel this is a time I could say of the anti-Christ, it's a time of evilness when something like this happens that people make wars.

I lived 17 years in Guatemala and I've

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seen ridiculous things. I've seen whole villages getting wiped out, peaceful people who don't know anything about communism or capitalism, who don't give a damn about it, but who were killed, and what it is, is war is business. Other people make money from it and I think we have to change it. We have to find a way to change it.

I think all the nations have to come together in a peaceful way and we have to find other ways to make monies and to have jobs than destructive ways, than to work at Los Alamos or in other places all over the world to make weapons and all that.

I think there is so much potential also here in New Mexico. The whole desert could be turned into an oasis and used for really creative vegetation of land instead of the waste for WIPP. You can't have plants growing there.

Why don't you go to Israel and study how to grow things? Sure, and I think that is what we have done. If we don't do this, I give this world another 20, 30 years and it's going to be destroyed.

Thank you.

MR. EIGUREN: I next call Lewis Poe.

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Lewis Poe? I'll call his name again later.

Lucy Cornwell? Lucy Cornwell?

Ladies and gentlemen, we're just a little less than an hour ahead. I think what we might do -- I think we'll just take a ten-minute recess and then go back to the top of the list.

We'll be in recess for ten minutes. We'll come back on about 20 minutes to 8:00.

(Recess held.)

MR. EIGUREN: It's now 7:40. We will now go back on the record for this our public hearing being held June 16th, 1989, in Santa Fe, New Mexico. This is United States Department of Energy Proceeding Number 0026-DS.

The purpose of this hearing is to receive public comment regarding the Draft Environmental Supplemental Impact Statement prepared in relationship to the proposed operation of the department's Waste Isolation Pilot Plant located near Carlsbad, New Mexico.

As I previously indicated for the record, my name is Roy Eiguren. I'm an attorney in private practice with the law firm of Lindsay, Hart, Neil & Weigler with offices through the Pacific Northwest. I'm not an employee of the Department of Energy. I

do not serve as an advocate for or against the Department of Energy's position in this particular proceeding.

My purpose in being here is to simply serve as the hearing officer and to allow all parties a fair and equal opportunity to comment on the record relative to the issues associated with the Waste Isolation Pilot Plant.

Prior to taking a recess, we had gone through the first part of our list of prescheduled commentors for this our session here in the main room of the Sweeney Center. We'd gotten to order number 209, Lucy Cornwell.

What I'm going to do now is go back to the top of the list and call the names of those individuals who I called earlier who I had not gotten a response from and then keep moving through our list until the conclusion.

I would next call -- I will call these names once again. These are individuals who were scheduled prior to 7:40 to go on the record.

Pat D'Andrea? Pat D'Andrea?

Munsie Davis? Munsie Davis?

Lulu Garfield? Lulu Garfield?

Stephen Swainson? Stephen Swainson?

Liz Randall?

Lewis Poe?

Lucy Cornwell?

Yes, sir. Please step forward.

Sir, we request to have your name and address for the record and you have five minutes for comments. At four minutes, the green light goes on and at five, the red light.

MR. POE: I'm Lewis Poe. I live at 815 Rio Vista Street in Santa Fe.

My house is on St. Francis Drive, which I understand is a WIPP transportation route. I have absolutely no concern about transport trucks with TRUPACT containers traveling on that highway or other public highways or traveling behind my house. Trucks hauling gasoline, acetone and over a thousand other dangerous chemicals travel the roads every day. They concern me greatly.

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7.3.3-1

I have no doubt far more qualified drivers will operate the WIPP trucks and the trucks will be in better mechanical condition than the trucks hauling dangerous chemicals.

Two weeks ago, I saw a photo of some of the wastes in drums from a state north of here that was destine for the WIPP site. Officials were

7.3.5.1-16
7.13.1-8

standing only a few feet in front of the drums. I had to ask myself, why would these people expose themselves to deadly radiation if, indeed, the waste is as deadly as many groups claim? Well, those people were not wearing lead suits, either.

7.3.5.1-16
7.13.1-8

The chances of my family or me being injured or killed by a WIPP waste shipment are nil compared to the chemical sources on other trucks on the road.

A number of the objections to WIPP raised in the literature that I've seen out there in the lobby by anti-WIPP activists are simply nitpicking. A number of the objections are such that often what is said is grossly exaggerated or downright misleading.

7.2-29

Tourism in Northern New Mexico is supposedly threatened by WIPP. I plain don't believe it. Some of the photos distributed during Indian market last summer appeared to have been taken in the catacombs of Rome. They were obviously set up and contrived photos.

WIPP is portrayed as the government against the people. This government is the people and thousands of hard-working people who realize the necessity of permanently storing the waste. Do not

4.1-3

oppose it. Like it or not, the waste is here for causes that have and will benefit mankind. 4.1-3

I was once performing a half-life test on iodine-116 and the ratings weren't the only influence on the radiation. We found that a fellow on the other side of the laboratory had a wrist watch with glow-in-the-dark numbers on it and they were the source of the radiation that yielded incorrect data. We stored the watch in another part of the building and we measured the half-life of the sample we were measuring. The waste transportation and WIPP storage strike me as manageable by the professionals involved. 1-1

I'd like to thank the DOE for having broken the hearing into three groups and extending the hearing hours until late at night; otherwise, I would not have had the opportunity to testify. 2.5-1

This evening, my granddaughter came with me. She's 11 days old. I have absolutely no problems about WIPP or that it might adversely affect her.

If we do not have the use of nuclear medicine, nuclear equipment and instrumentation, nuclear power and many other sources, then by the time that she's my age, her life will be very 1-1

adversely affected. 1-1

Thank you.

MR. HIGUREN: I next call Lucy Cornwell.

Lucy Cornwell?

Charles Bensinger? Charles Bensinger?

Yes, sir.

If you would state your name and address for the record, sir.

MR. BENSINGER: My name is Charles Bensinger, 227 East Coronado Road, Santa Fe, New Mexico.

New Mexico is quiet and soft. Her clear light extends to the limit of the eye's practical gaze. Can you see the naked, bending hills tracing women's graceful curves? So many sleeping females' bodies lie within this mystic landscape turquoise skies.

New Mexico Goddess -- she shares her knowledge and power generously with those who ask, casting no judgment upon the petitioner. The bargain, though, is complete only if respect for land and life is returned in kind. 9-1

For century upon century, our Native American ancestors honored this sacred trust of land and life. The knowledge was freely given and the

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respect returned. The cycle continued. As a result, man, woman, heaven and earth remained in balance for millennium. The rains came, the children knew happiness, sex and love was healthy, and men and women knew peace with each other.

Then one day something happened. Men came forth to the holy mountain, place of power, barely 40 miles from here now called Los Alamos. They sought from the Goddess her sacred fire. And she lay with them in anxious trust, perhaps hoping they would finally learn to feel as she feels, that life is precious, and if they truly understood love, in their souls, they would quit their ways of death and destruction once and for all.

But instead the men came and took, came and took, giving nothing back in return. We know now they sought the power and the knowledge of the Goddess of the sacred mountain not to end wars but to further enhance their dominion over all creatures at any cost. We know now that men's madness honors no boundaries. They cloak their warrior excesses in the words "national security." They try to silence the streams of protest with the hollow phrase, "Trust us."

Gentle New Mexico has long suffered from

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the mindless abuse of the contemporary warrior. Her abuses continue to seek better and more efficient ways to kill. Must our sacred female land be forced once again to yield to another technological rape? I think not.

We say, "No." And the children say, "Please, no, stop the killing now. For we must live our lives amidst the holocaust of ruined fields and cities, dead and dying streams, poisoned air and the mountains of radioactive rubble birthed of the dark designs manifested by your technological witchcraft."

Gentlemen and women, I ask you for the sake of the children, the animals, the earth, indeed all the people of this peace-loving, gentle planet, please awake from your dreamworld of technological fantasy.

Be willing to expand your vision to include the safety of future generations, what's best for rivers, animals and the Earth Mother, too. Be willing to admit that the finest science and technology is often fallible, as are humans, too. Jobs and money pale into insignificance before the sacred trust, our future, that you hold in your hands.

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3.6-1

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If you decide in favor of life, you must cease the production of this deadly material. It must remain aboveground and be guarded by the most responsible people in our society, not the least responsible, as is now the case. The allegiance of such individuals must be to future generations, not to merely the next paycheck. 3.2-1 3.6-1 5.2-1 5.2-2

Our closed weapons factories and nuclear power plants will be treated as testimonies to our difficult adolescence as a species, our careless abuse of power, gold and knowledge. The silent monuments will serve as courageous statements of self-reflection to future generations, warning them off the path of arrogance, pride, deceit and self-destruction. 9-1

Sight unseen does not mean safe. The old method of hiding will no longer work. The mother will belch and we will get back our nuclear garbage as gas, air and water and the problems will be far worse.

Gentlemen and gentlewomen, try as you may to ignore this fact, you are not separate from the earth. 3.1-8

Recall your physicists, chemists and engineers now from the dark sorcery of Star Wars

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research. Direct them to focus their talents and energies on ways to transform this waste into nontoxic material. It can be done. Demonstrate your willingness to work with us rather than against us. We are ready to work together to solve this most serious problem, if you can regain our trust. If not, we and the earth shall remove you.

I understand and I urge you to think -- I urge you to think on these things and to think beyond your short remaining lifetimes. Consider the hopes and dreams of your children. I challenge you, though, in the end to accomplish the most difficult feat of all, to allow not your mind, nor your paycheck, but your heart to act as the final arbiter. 3.1-8

Thank you.

MR. EIGUREN: Thank you.

It's now approximately 7:55 and I'm going to go back to the top of our preregistered witness list to make sure that I've not missed anybody whose names I called earlier and I didn't get a response.

Scheduled for 7:05 was Pat D'Andrea. Pat D'Andrea?

For 7:15, Munsie Davis. Munsie Davis?

For 7:30, Lulu Garfield. Lulu Garfield?

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For 7:50, Stephen Swainson?

Yes, sir. Please step forward.

Mr. Swainson, you will have five minutes for comment, sir. At four minutes, a green light; five minutes, a red light. When the red light goes on, bring it to closure whenever you can.

MR. SWAINSON: Thank you.

MR. EIGUREN: Thank you.

MR. SWAINSON: My name is John Stephen Swainson and I live at Route 2, Box 3016, Santa Fe, New Mexico, 87505.

MR. EIGUREN: Thank you.

MR. SWAINSON: First of all, gentlemen, I would like to express my objection and concern to the way these hearings are being conducted. Being split up into three rooms, I miss two-thirds of the testimony of my friends and neighbors.

Also, I still have not been notified by the DOE as to when I would have been scheduled to speak. Had I not taken the time off work to check my scheduled time, I might have missed my opportunity to speak. If this slipshod way the hearings are being conducted is any indication of the organizational and management skills of the DOE, I shudder to think of the details omitted in your

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8-7

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hurry to ramrod WIPP into operation.

Much has been said about the failure of the Rocky Flats Weapons Plant to comply with existing procedures in the disposal of nuclear waste and the illegal incinsration of such wastes. What assurance is this to the people of New Mexico that the same arrogance will not be duplicated in the manageeent of WIPP?

The management of convenience seems to be the tone and style of the DOE and the contractors.

I will not take up a lot of time to list all the objections I have about the WIPP -- the opening of the WIPP site. I would only like to say that I wish that you would slow down the opening of the WIPP site to make sure that all the people are safe and not to underestimate the determination of the people of this state to the opening of the WIPP site.

Gentlemen, I believe you have a tiger by the tail.

Thank you very much.

MR. EIGUREN: Thank you.

Ladies and gentlemen, earlier today during the day session, we had a commentor whose name I called and was not here. I understand that she had

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TS-00541, Page 1

a scheduling conflict and she is here, so we'll go ahead and take her comment now. That's Cecile Moochnek.

MS. MOOCHNEK: My name is Cecile Moochnek.

MR. EIGUREN: Could you just grab that microphone and just pull it down a little bit? There you go. Is that comfortable for you?

MS. MOOCHNEK: Yes.

MR. EIGUREN: Please proceed.

MS. MOOCHENK: My name is Cecile Moochenk. My address is 530 Juniper Drive, Santa Fe, New Mexico.

I speak on behalf of myself, all my friends in New Mexico, my two beautiful sons, age 16 and 19, who I hope will never see war and will never -- will have the opportunity to have as beautiful -- a chance to have children as I have had, these two beautiful sons.

It's strange because we live in a world in which I think motherhood and the feminine and the female point of view almost seems a little embarrassing. We have grown up in a world and I think as women we see the world through men's eyes very easily, and we ask sometimes that men be able

9-1

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to see the world from a point of view of women.

I also want to say that I think it's a sad scenario that we have polarized people and consider some the enemy and some the good guys, and I don't think that's the way it is and I would ask that it not be seen that way; that we are all in this together; that these are very, very critical times; that I work with artists and in the past our artists were visionaries and somehow in the 20th Century, I think the artists are now merely the unimportant people and we need to return to this.

I recently heard the poet, Cheslo Melosh, who gave the closing address at St. John's College here in Santa Fe, and it was very short and to the point, and the main point that he said was, who would have thought that all of the ideologies -- both communism and socialism would have brought what it has brought and capitalism would have brought what it has brought; that we have polluted the earth and that this is something that we really need to share in together and not make any individuals, whether they have the title DOE or not, the enemy.

It is to come to common solutions and find ways and working with creative people -- I know that there are creative solutions to this and that often

9-1

when there is a crisis, we come up with new ideas more quickly. And I would urge, as the gentleman before me, that we slow down and that we not open the WIPP site because we don't know what to do otherwise and that we wait and that often waiting is the most active thing one can do, that there is a lot of power sometimes in slowing down and waiting and that I would urge that even, you know, all of my neighbors who are not here, feel as strongly.

It takes a lot to get here and to try to be well informed and I know that I belong to many organizations and try to get information like the Concerned Citizens and Physicians for Social Responsibility and the material is very difficult to read and to understand, but as I came in and I knew I didn't have a prepared, written statement, I wanted to speak from the heart and say that I urge slowing down and not opening the WIPP site.

I'm sure that many before me have mentioned the Alaskan oil spill, there is so much that we know about human failure and we must plan for human failure and we really don't know enough.

Thank you very much.

MR. EIGUREN: Thank you. We have two sets of written comments to be included in the record as

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7.3.5-1
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exhibits. The written comments of Charles Bensinger will be exhibit -- from Santa Fe will be marked as Exhibit 387. The written comments of John Skinner from Santa Fe will be Exhibit 388 for the record.

(Exhibits 387 & 388 marked.)

MR. EIGUREN: Moving down our list, I would call Lucy Cornwell. Lucy Cornwell?

Nicole de Jurenev?

Paula Seaton-Faulette? Paula Seaton-Faulette?

Al Elder?

Vicky Nelson?

Paul Wilkins? Paul Wilkins?

Tim Strand? Tim Strand?

Luke Gatto? Luke Gatto?

John Collignon?

UNIDENTIFIED SPEAKER: He's out of town.

MR. EIGUREN: Bonney Whittington? Right here. Please step forward, ma'am. State your name and address for the record, please.

MS. WHITTINGTON: My name is Bonney Whittington and I live at 507-B Camino Sin Nombre, Santa Fe, 87501.

MR. EIGUREN: Thank you.

MS. WHITTINGTON: I just walked in the

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door, so I'm out of breath.

MR. EIGUREN: Take your time. Tell me when you're ready and I'll start timing.

MS. WHITTINGTON: Okay. First, I want to go on record that I have yet to be notified by the DOE of my preregistered speaking time at this hearing. 8-6

I protest the hearings being split into three rooms and the way that I've chosen to empower myself by DOE's action is to imagine the three voices speaking simultaneously as harmonic chords -- harmonic chords sending powerful messages to all sentient beings on one planet, and the sentient earth herself -- that many, many people in New Mexico care for the health and safety of our planet and the beings that live with and by her grace. 8-7

I would also like to echo the voice of the woman who spoke this afternoon, commenting on the physical arrangement of the main room. There is an old saying, "He who wishes to be trusted, puts himself not above those he wishes to convince."

I want DOE to do several things: I want them to comply fully with the new EPA standards before any waste is shipped to the WIPP site. I want full approval by the NRC of the TRUPACT 3.1-3 6.1-1

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containers before they are taken and filled with waste on our nation's highways. I want no land withdrawal, congressional or administrative, until these two conditions are met. 6.1-1

I want DOE to choose the no-action alternative. That is one of the two mentioned at this time in the SEIS document. In my opinion, it is the preferred alternative covered in the document at this time. I want DOE to acknowledge that they did not evaluate in detail all reasonable alternatives. 1-2

Federal regulations, promulgated under the National Environmental Policy Act, require DOE to rigorously explore and objectively evaluate all reasonable alternatives. They have yet to do this. 5.3-1

I want the waste to stay where it is now and to stop being generated at the source. We have more than enough bombs.

I want our government, working with other nations, to launch a full-scale Manhattan II Project. We can keep the waste in aboveground monitored retrievable storage facilities until we come up with the knowledge to neutralize it. 1-2 3.6-1 3.6-2 5.2-1 5.2-2

I have every faith that we who are able to harness the atom, though it looks now as if the atom 3.1-2 3.6-1

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has harnessed us, that we come up with a project -- given time, money and top priority status, harness its wastes that we have generated.

Burying the waste, as evidenced by much testimony yesterday and today, is not going to bury the problem. In fact, it may create problems far more horrific than the potentialiy dire scenarios that have gone on record at these hearings. 3.1-2 3.6-1

The article in today's New Mexican stated that though some testimony was scientific, a lot of it was philosophical. My perception, however, is that the majority of the testimony has addressed both very eloquently, acknowledging what we as a race are coming to acknowledge on a more daily basis; that we are not separate from other living beings, that we are not separate from the planet earth, that we are not separate in the universe. 3.1-2

I was told by people both in state government here and at Concerned Citizens for Nuclear Safety that the DOE could choose to exclude from the final report on the hearings any information not directly related to the SEIS documents. I believe, gentlemen and ladies, that this would be a grave mistake. People have come 2.3.3-1

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here at effort and expense to themselves and their families. They have researched issues and spoken knowledgably and eloquently.

I've sat through most of the testimony that was possible to hear in one room during the past two days. A lot of it has been filled with anger, pain and acknowledged fear and with courage. When I left at the lunch break today, I felt my heart and my throat from the testimony I'd just heard during the morning and I realized that that was just where I wanted it tonight so that I could speak through it. 3.6-2

Members of the DOE Panel, that's what most of the people who have spoken so far at these hearings want you to do, not to speak through your lawyers, but to speak through your hearts. The sooner we stop taking adversarial positions and the faster we unite our voices in searching for truly safe storage and ultimately neutralization of America's nuclear waste, the faster real solutions will present themselves.

Thank you.

MR. EIGUREN: Moving down our list of preregistered commentors for this session -- first, we've marked as Exhibit Number 389 the written

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comments of Bonney Whittington of Santa Fe, New Mexico.

(Exhibit 389 marked.)

MR. EIGUREN: I next call Anne Hansen. Anne Hansen?

Sura Cox? 16-Jun-89: TS-00543, PAGE 1 OF 4

I'm informed an individual I called earlier who was not here then is now here and that's Nicole de Jurenev.

Can we have your name and address for the record, please? You have five minutes for comment. The green light means four minutes; the red light means five.

MS. DE JURENEV: You've got my name. I live at 511 Acequia Madre.

MR. EIGUREN: Thank you.

MS. DE JURENEV: I'm Nicole de Jurenev. I don't have anything prepared, but I'm really appalled -- I'm appalled that our government has so many concerns for our actual lives that they are willing to endanger them. This is really hard for me to believe.

First of all, we're paying for these officials and now they want to kill us. If we don't die, there is a very good chance, given -- given the

3.2-1

TS-00543, Page 2

fact that the transportation seems a little iffie to me, and everyone has been over this, the fact that we could have a crash and we could have a nuclear spill in the road at anyplace along the route, that maybe the containers are unsafe, maybe the site itself is unsafe. I think everyone has gone over this to a great extent, but the fact that if we don't die, maybe we just live like we all have something like Barr-Epstein disease, where we can't hardly work, I mean, dying would be preferable, actually, but to live on a level where we're incapacitated, where the quality of our life is almost nonexistent, where we're unable to support ourselves, where large areas of the population are not dead, but are crippled or maimed or incapable of maintaining themselves, this is what scares me.

Not to mention we have no -- no notion what's going to happen to future generations; that, of course, is really awful.

It's -- it just makes me want to cry that -- that it feels like nobody cares. I don't feel that -- that anything should happen with transporting nuclear waste until the State of New Mexico okays it. The government seems to feel it should be regulated by agencies which are other arms

3.2-1

of the government.

I mean, how can the same person regulate itself? I think that we need to have separate agencies. 3.2-1

It's clear to me why New Mexico is the state where this is happening. It's because we only have a million people here and who is going to miss us? It's because the other states who are more populous have more money. It's always a bottom-line situation of putting pressure on to get rid of the waste in their states, so why not go to New Mexico, there are only a million people and it will hardly make any difference.

I don't see it going to New York State. I don't see it going to the more populous areas. I came from a place where they were and they put it there because they said it was a low population, that meant less of us are going to be killed and it would cause the government less embarrassment, be less of a problem and would be less expensive if we were to sue -- or the people who survived were to sue. 4.1-1

So, basically, I feel pretty powerless. I feel like a victim, that I can't really do anything to stop this, that they can just come in and put 3.2-1

nuclear reactors in my back yard and I have absolutely no say because even though we joined together, there are only a million of us and we don't have enough money and enough power to make a difference. So I think that's what's sad. 3.2-1

I think that the government needs to listen to human beings and understand that they can't just do what they want with us because we are the government, not the elected officials.

Thank you.

MR. EIGUREN: Thank you. It's now 8:15, we'll go back to the top of the list and call the names of the individuals who were not here earlier and had a time slot prior to 8:15 to see if they have arrived.

Munsie Davis?

Lulu Garfield?

Liz Randall?

Please step forward. I request your mailing address for the record and you have five minutes for comment.

MS. RANDALL: Thank you. My name is Liz Randall and my address is 70 Gerano Loop in Eldorado, 87505.

What that means is that I live about a 7.3.5.2-4

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mile off of the WIPP route and actually my plans for the future were to build a house down the road in Galisteo and raise a family there. Unfortunately, they are only five miles off the WIPP route. The school that my children would be going to is also about two miles off the WIPP route, Eldorado School. And I'm curious, actually, if anyone can tell me how much radiation my child would be absorbing, if I were to have the rashness to go ahead and have a child under these circumstances, if I sent that child to Eldorado School from kindergarten to eighth grade.

I find it really disastrous that I have to make choices like this, that I have to think about if I'm going to have a family that I should move out of state when it took me a long time to get here. This is an incredibly beautiful place and I'd like to stay here. I don't like having my life threatened and the lives of my neighbors and my community threatened.

I'm not a scientist, but even a lay person reading this document could see that it's a pretty sloppy and error-filled effort that barely deserves to be called science. In fact, it's an insult to the intelligence of the people of New Mexico that

7.3.5.2-4

TS-00544, Page 3

this kind of quality -- that this kind of poor quality and obvious bias and that you expect us out here in the outback to accept it as science.

We don't worship at the alter of the great God science here, we have other ideas about what's important in life, but we can read documents like this and know that they are full of errors and we don't appreciate it, not when it's talking about our lives.

Even presuming that this is a well-intended effort by the DOE, a good-faith effort, so to speak, which may be a contradiction in terms, I don't know, but what about the cracks that are just described as cracks, that are in reality 100 feet long by 30 feet long as described by scientists of the EEG? These cracks are big enough to be a pathway for waste migration into the Rustler aquifer, thereby polluting the Pecos River and the Rio Grande.

How can you take chances on things like this? I don't understand why you would want to do this.

This brine that is underneath which would migrate up through those cracks is very dangerous. The pressurized brine contains 27,000 parts per

7.7.2-1
7.8.2-1
7.14-9

TS-00544, Page 4

million of hydrogen-sulfide gas, which is highly explosive and corrosive. It can eat through steel and concrete, no problem. The seepage is happening more quickly than anybody expected. If the brine were to break through while wastes were being emplaced, it could kill every worker there, including those wearing respirators, in 30 minutes; not to mention the effects if the waste actually does migrate into the Rustler aquifer and the Pecos and Rio Grande.

Also, the O-rings which are sealing the TRUPACTs were the cause of the Challenger disaster and we're supposed to accept that this is going to keep the plutonium inside.

Westinghouse -- let me read you a little bit about Westinghouse. "Westinghouse has made tremendous profits from the production of weapons-grade materials and the construction of the WIPP facility. If WIPP should open, Westinghouse stands to generate huge additional profits from disposal of refuse that it helped to generate. The more nuclear waste Westinghouse produces, the more future business it ensures for its own waste disposal operations."

And we're not just talking weapons waste

7.7.2-6
7.8.2-1
7.8.5-2
7.14-9

7.3.1.1-23

3.2-1

TS-00544, Page 5

here, Westinghouse is also supporting dozens of nuclear power plants all over the world and we have a legal obligation to take the waste from those plants on -- I'm not arguing that the countries that have the waste should be able to keep it, I'm certainly in favor of the ioss-gain law, but I think that Westinghouse should figure out what to do with their waste and then I don't think it needs to be coming here.

DOE and Westinghouse have demonstrated gross irresponsibility in the treatment and disposal of toxic and radioactive wastes all across the nation. Westinghouse is the operations contractor for the Fernald, Ohio, Feed Materials Production Center, Savannah River Plant, Hanford and Idaho National Engineering Laboratories; four of the most contaminated sites in the world. Westinghouse further stands to profit from the waste contamination cleanup efforts at the above facilities. Make it on both ends.

Under the Price-Anderson Act, DOE and Westinghouse are exempt from all liability for injuries, deaths and environmental contamination that result from nuclear weapons production and waste disposal. Westinghouse has nothing at risk,

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3.1-5

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the government provides everything, so the return on the investment is essentially infinite. This is a very lucrative and cozy arrangement.

I personally don't want my safety in the hands of the people who were the contractors for Fernald, Savannah River, Hanford and Idaho National Engineering Laboratories. 3.2-1

I want to know if you've considered any alternatives, such as classification, on-site storage. I'm hearing in the newspapers that it's possible to keep this stuff where it is for another 12 years; why move it now? Why are you ignoring human errors when it was the primary cause of accidents at Chernobyl, Three Mile Island and Valdes? There aren't a lot of tourists in any of those places now. 5.2-1 5.2-2 7.14-2

El Rancho Seco, the power company gave the taxpayers the choice of whether or not to operate the plant; why is the government doing less for us here in New Mexico?

I just want to close with a couple of quick stories. I talked to a fireman in Pecos. When the DOE came down to talk to the Pecos Fire Department, they said, "We don't have the technology to cleanup a nuclear spill on the highway, so your 7.12.9-1 7.12.9-3 7.12.9-5 7.12.9-7

TS-00544, Page 7

best bet is to contain those people until the people from Los Alamos can come down and bring them up there for testing." 7.12.9-1 7.12.9-3 7.12.9-5 7.12.9-7

I personally don't want to be in that kind of situation. I think it's inhuman for this kind -- this to be put out as a solution to the problem.

Then we have the people who are riding down in the Shuttlejack behind the people from Los Alamos who said, "No wonder they are putting the dump here, there is nothing here."

Well, New Mexico has a lot. I urge you all to get out and take a look around you at the countryside here. The people in New Mexico make a lot of sacrifices to be here. It's not an easy state to make it in economically, but when I look out my window and I see purple chollas in bloom and I walk in my back yard and I see incredible sunsets and chamisa and beautiful plants that I see nowhere else in the world -- I bet you people don't even know what a chamisa or a cholla looks like -- and yet you're threatening the existence of these plants, not to mention the people that live here with your actions.

We have a little piece of paradise here and, basically, we're not going to allow you people

to mess with it. We can't allow you to gamble with our openness, our homes, our communities, all our welfare and our quality of life for the sake of some backwards and outdated nuclear defense policy that's killing us all, and if there are profits in it for Westinghouse stockholders, people in China are putting their bodies on the line and we in New Mexico will do no less if you try to destroy our way of life.

MR. EIGUREN: I need to ask you to bring it to a close, if you would, please.

MS. RANDALL: Just one more thing. Do we have to destroy democracy in order to save it? Is this our lesson from Vietnam? Where is our right to say no to this threat to our lives?

Try a little patience and wisdom, don't rush into this thing, don't force us to show you how absolutely committed we are to standing up for our way of life.

EPA standards must be promulgated and met before any emplacement of waste. There should be no land withdrawal until EPA standards are met and no waste experimentation without completely meeting standards. 1-3

Thank you for your time.

MR. EIGUREN: The next scheduled commentor is Lucy Cornwell.

MS. CORNWELL: My name is Lucy Cornwell. I live at 535 Douglas Street, Santa Fe.

MR. EIGUREN: You can actually bring that microphone up just a little.

MS. CORNWELL: Is that better?

MR. EIGUREN: Yes. Thank you.

MS. CORNWELL: My name is Lucy Cornwell, I live at 535 Douglas Street, Santa Fe, 87501.

After ten years of anti-WIPP sentiment has gone unheard, my sense is that no one in the DOE has taken responsibility for listening. It would have been a much cheaper proposition ten years ago and your seats wouldn't have been quite so hot. 2.3.2-2

So I'd like to thank the people here today for this hearing, and I hope they are not so overwhelmed by the mirage of our emotions and our informativeness to really listen. I wish also to thank the other speakers who were more informed than I am on the technicalities and the implications of this issue.

For the record, I support the no-action alternative and would like to reiterate the important need to adhere to the new EPA safety 1-2 5.3-1

TS-00545, Page 2

standards. I also wish to affirm the need for searching for further alternatives and in particular, for neutralization.

Earlier today, the words of a song, "How Do You Stop a Runaway Train" occurred to me and, as I see it, WIPP, and in particular the 770 million spent on WIPP, have a momentum in the system that is very hard to stop. I am led to assume that within the DOE an individual who impedes this momentum risks being politically annihilated. We're asking you to take that risk. We who are opposed to WIPP want you to come to a changed perception, a new perspective about the effect of your actions, to find individual willingness, to use your position as citizens working for the DOE, working for us, to express and act on that new understanding, no matter how unpopular, how intimidating, how personally threatening to your careers it may be to say, "We've made a mistake."

The 770 million tax dollars wrongly spent on WIPP must come to be looked at as a necessary price paid for not heeding the facts as they have become obvious. Trying to use the facility now, because it is there, has long-term risks which far outweigh the reward of appearing to be right for a

5.3-1

TS-00545, Page 3

short time. Mistakes have been made.

The question for the DOE is, "Which mistake would you rather take responsibility for?"

Thank you.

MR. EIGUREN: Going down the list of preregistered commentors, some of these names I called earlier and haven't gotten a response. What we'll do is just keep moving through the list and then we'll go back to the top of it and call these people.

I call Paula Seaton-Paulette? Paula Seaton-Paulette?

Al Eider? Al Eider?

Vicky Nelson?

I note for the record that we're slightly ahead of schedule, that it may be that some of these people are not yet here.

Vicky Nelson?

Paul Wilkins? Paul Wilkins?

Tim Strand? Tim Strand?

Luke Gatto? Luke Gatto?

John Collignon? John Collignon?

Anne Hansen? Anne Hansen?

I know the next person is here, is it Sura Cox?

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TS-00546, Page 2

If we could have your mailing address for the record and you have five minutes for comment.

MS. COX: The mailing address?

MR. EIGUREN: Yes.

MS. COX: My name is Sura Cox and my mailing address is Route 10, 1109-B, Santa Fe, 87501.

MR. EIGUREN: Thank you.

MS. COX: You're welcome. Okay. Well, basically, I think a lot of people have said a lot of things about things that they probably know more about than I do, but I basically want to say that I really love the earth that I live on.

I'm 16 years old and I'd really like to be able to live until I'm 90, and I'd really like to see my generation's children live and survive because it's a really beautiful earth, and I'd like to believe that they would have mountains and meadows and oceans to visit when they are my age and when they are your age.

And right now, how things are going, that seems like -- it seems like that might not happen, and that's really sad to me, and I think that we really need to remember that the mother -- that the earth has given us life like the mother -- like our

mother's have given us life and we need to respect the earth and give back to it what it has given to us and not ruin the land that gives us life and not put our wastes in it and not take -- and I don't really think that WIPP is not only WIPP here in New Mexico, but it stands -- it's a precedent for the entire earth and our ways of survival on this earth and I think that -- and I think that -- I think that maybe if -- in each of the states, when people -- when whoever it is making the wastes, from whatever source, when they try and look for places -- and if people try and deter that placement and try and keep them from dumping it in their land that maybe they'll start thinking that the actual problem -- not the disposal, but the actual problem is actually making the waste and the actual nuclear energy, it's not necessary. 3.6-1

There is a sun up in the sky and there is wind and there are oceans. Maybe you've heard of the Opec energy converter. One of my mother's dearest friends who died about 15 years ago, he did a lot of research into Opec, and I know that in the Carter administration, before Reagan, in the '70's, the DOE was a lot more open to listening to alternative energy ideas, and during the Reagan

administration, they closed down a lot of funding.

And I'd really like to believe that maybe now, the DOE might once again open up their ears and be willing to listen to the people's ideas because supposedly the government is of the people and supposedly this country is for the people and we should look upon the government not as someone -- not as someone that is destroying our land but someone that is helping us survive, as if they are also our fathers and they are our mothers and taking care of us and they should be nurturing us.

Right now I'd like to read something that I saw on one of my friend's refrigerators that I thought was really neat.

"All I ever really needed to know I learned in kindergarten."

"Most of what I really need to know about how to live, and what to do, and how to be, I learned in kindergarten. Wisdom was not at the top of the graduate school mountain, but there in the sandbox at nursery school."

"These are the things I learned: Share everything. Play fair. Don't hit people" -- let me see where I am -- "Put things back where you found them. Clean up your own mess. Don't take things

that aren't yours. Say you're sorry when you hurt somebody. Wash your hands before you eat. Flush. Warm cookies and cold milk are good for you. Live a balanced life. Learn some and think some and draw and paint and sing and dance and play and work every day some."

"Take a nap every afternoon. When you go out into the world, watch for traffic, hold hands and stick together. Be aware of wonder. Remember the little seed in the plastic cup. The roots go down and the plant goes up and nobody really knows how or why, but we are all like that."

"Goldfish and hamsters and white mice and even the little seed in the plastic cup, they all die. So do we."

"And then remember the book about Dick and Jane and the first word you learned, the biggest word of all: 'Look.' Everything you need to know is in there somewhere. The golden rule and love and basic sanitation. Ecology and politics and sane living."

"Think of what a better world it would be if we all -- the whole world -- had cookies and milk about 3:00 every afternoon and then lay down with our blankets for a nap. Or if we had a basic policy

in our nation and other nations to always put things back where we found them and cleaned up our own messss. And it is still true, no matter how old you are, when you go out into the world, it is best to hold hands and stick together."

That was by Robert Fulghum and it's from -- I just found in on the refrigerator, but it's from the Unitarian Church of Edaonds, Washington. And I think that that really has a lot of nice ideas that we should all try.

I really -- another thing I'd like to say is that it's really important to remember that we need to have compassion for the earth, as if the earth is our mother. It's really important to cultivate compassion for this earth and it's really necessary if we're going to survive.

It really makes me sad when I look down at the rain forest and see that it's destroyed. When I see things like this WIPP site and I think of all the waste that's being made unnecessarily and there are other methods and basically either people will wake up or there will no longer be people to wake up and it's really our choice and we really have to join hands and stick together like this thing says and realize that we're in this together and there is

a choice that we're going to make as a whole, as the people, whether or not we survive.

Do I have any more time?

MR. EIGUREN: You're over time. Go ahead and finish up.

MS. COX: Well, basicaliy, I am -- really hope that I won't see the WIPP site here in New Mexico.

I've lived here since I was eight years old, since third grade, and I really love this place. I visited here when I was three and I really love this place with all of my heart.

I've gone other places and I've -- I still know that I will want to return here because, as the lady before me said, it's a place of beauty and the whole earth is a place of beauty and you really need to respect that, so thank you very much.

MR. EIGUREN: Thank you very much.

One of the commentors who was to have been here this afternoon and had a conflict with scheduling is now here. Her name is a Aurora Burnell.

MS. BURNELL: Burnell.

MR. EIGUREN: Burnell, I'm sorry. If you'd start by giving us a mailing address, you

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have five minutes for comment.

MS. BURNELL: Gentlemen --

MR. EIGUREN: If you can pull that microphone down a little bit.

MS. BURNELL: Is that better?

MR. EIGUREN: Just fine.

MS. BURNELL: Thank you. I'm concerned about human errors and nuclear accidents. Human errors, assumptions and neglect, underestimations, lack of knowledge and denial, are the cause of many nuclear accidents relating to nuclear plants which cause nuclear waste.

The example of Chernobyl: it was assumed by the experts that there would be one accident in every ten million reactor hours. Instead, they had an accident which happened in 300 reactor hours.

Three Mile Island has figured one accident in every three million reactor hours; instead, the Three Mile Island accident happened in 500 reactor hours.

There have been 30,000 mishaps in our nuclear plants in the last ten years.

DOE has assumed there would be no cracks in the salt-bed caverns where the nuclear waste is to be deposited. The cracks, however, are already

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visible. They also assumed there would be no water seepage and the water has already started. They assumed salt would move slowly. How can this be assumed when we do not even know which changes of the earth will happen or what will happen to the weather in the future?

DOE assumed that the gas from the decomposing waste material would be vented, but those vents have proved defective where they are in use in other repositories.

It is assumed that the Pecos River, 15 miles away, will never be contaminated. How can one calculate or assume that a riverbed will remain as it is? Texas is so concerned about this water source that they have joined the CCNS in a proposed suit against the government.

In New Mexico, our drunk driving record is extremely high. Drinking causes accidents. The best example of this is the recent Valdez oil spill. Once again, it was calculated that one accident would spill 10,000 gallons of oil. Instead, 11 million gallons were released. Assumptions and miscalculations again.

Living on St. Francis Drive in Santa Fe is a person who likes to take a shot at passing cars.

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Can we assuee that this could not happen to a truck filled with nuclear waste? Can we also assume that the driver of the nuclear waste truck will not stop for an occasional beer? Most, if not all, truck drivers do. Truck driving is an arduous and dangerous business. What guarantees will we have that the drivers of nuclear waste trucks are either infallible as drivers, or never prone to drink alcohol? What about the captain of the oil tanker at Valdez?

The explosion of nuclear waste in the Ural Mountains in 1959 caused the evacuation of 20 villages and thousands -- and there were thousands of casualties. This was kept secret by the CIA for 25 years.

Do we have a guarantee that there will be no accident at WIPP because DOE assumes all will be well?

In 1957, an accident at Windscale, England, contaminated milk and food throughout Europe. The full damage has not been realized up to now.

Can we ever learn from these accidents, or do we have to go through more Three Mile Island accidents? How can we assume we are free from

TS-00547, Page 5

accidents after that one? The results --

UNIDENTIFIED SPEAKER: We're moving downstairs. We're tired of this meeting being broken up into three pieces.

MS. BURNELL: Where was I? Though the results of Three Mile Island have been suppressed, there has been found, by those who have investigated, a high rate of leukemia and cancer, as well as contamination of food and animals.

How can we assume that the many nuclear plants we do have operating here will not produce another Chernobyl or Three Mile Island?

Irresponsible assumptions and denial do not guarantee our safety. I therefore oppose the opening of WIPP. 1-2

Thank you.

MR. EIGUREN: I next call Paula Seaton-Paulette. Paula Seaton-Paulette?

Al Elder? Al Elder?

The written comment of Melania Wells will be included in the record as Exhibit 390.

(Exhibit 390 marked.)

MR. EIGUREN: Vicky Nelson? Vicky Nelson?

Paul Wilkins? Paul Wilkins?

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Tim Strand? Tim Strand?

Luke Gatto? Luke Gatto?

John Collignon? John Collignon?

Anne Hansen? Anne Hansen?

Lynn Alden?

MS. ALDEN: For the record, my name is Lynn E. Alden. I live at PO Box 554, Dixon, New Mexico, 87527.

MR. EIGUREN: Thank you.

MS. ALDEN: Dixon, New Mexico, is a little town on the Embudo River that's also right off the highway where the trucks are maybe going to go through. 7.3.3-3 7.15.4-4

Each year, a hundred -- hundreds of thousands of people come here to New Mexico to visit, to see the land. Part of what they see is the spirit of the indigenous people, the people who have managed to maintain certain traditions, certain parts of their culture and a lot of the people who are attracted to that are attracted to a certain kind of wisdom that the native people have also shared with us; the themes that they talk about tonight that the earth is precious. Also another thing is that we're all related to each other. 1-2

We've -- today and yesterday and

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throughout the week, we've listened to a lot of facts. Your report is exceptional, we commend you on your insight and your aspirations to create a solution to a problem that we're basically all responsible for as a culture. We chose as a culture to live with nuclear energy. Now, we have to choose as a culture how we're going to deal with it. 1-2 9-3

So the facts, as they are presented in your report, as you see doctors, lawyers, mothers, scientists, physicists, is that most likely this is not going to work, this is not our best solution and we do know that we do have solutions. They may be costly, but they are still solutions. They are solutions that should not be thrown out the window at this time. 5.3-1

We have the opportunity in these hearings to do something real special. I'm grateful for the opportunity that my tax dollars brought you here and the other folks that I saw upstairs. I want to thank you for your patience and your endurance to listen to the emotions and the inquiry of many, many people, both here and in Albuquerque. 2.5-1

What we have the opportunity to do here is really change a point in history. There is not a lot of difference between you and me. We both have 3.1-8

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jobs. We both have houses. We have a responsibiiity to find a solution to this together.

Speaking of jobs, I recognize from growing up in St. Louis many, many years ago, I had my -- one of my closest friends was a minister who worked in North St. Louis, and in St. Louis is General Dynamics and McDonnell Douglas and a variety of different defense contractors, and he had a great deal of feeling about nuclear dissent, about talking with his feelings. He said, "Lynn, they are jobs." He said, "These are the people's jobs."

Since that time, I also know that McDonnell Douglas has diversified to do things other than produce weapons for the defense industry and the quality of life for some people has risen there.

What we're asking here, as a woman spoke earlier this afternoon, is that we have the opportunity to no longer be victims of a bureaucracy, whether you work for the Department of Energy, whether we work for, you know, the City of Santa Fe; it doesn't matter who we work for. What does matter is that we're all human beings right here on the planet and we have a problem. You have the opportunity in your position for people to listen to you, for people -- for you to go back

3.1-8

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there and say, "We've been to New Mexico and the people are really upset. They don't like this. They also really believe that there are alternative solutions to this."

So here we have the Department of Energy, this organization that has a tremendous amount of potential and knowledge, let us take -- you know, maintain the system as we have and change it around. Let's find the best way to do this.

When we do that, when we take risks like that, we have an affect on our co-workers. You may have an affect on your colleagues, as we all have affects on our colleagues, we can eventually have an affect on our nation.

Image what it would be to live in a nation that has developed the technology to clean it all up, to help the ozone layer, to make our rivers pristine, to make the air wonderfully clear, because we have that right now, and what we're asking you is to think about this, think about the opportunity that we have here. No one wants a Vietnam showdown of environmental politics in this country.

What we want is we want to find the best solution. We want to use our resources as individuals and as scientists to create a nation of

3.1-8

thinking people who care about this planet. I grew up in a time of bomb shelters down the street. A friend of mine's family, who I went to high school with, and they had a bomb shelter in their back yard and I remember as a kid going in there and it really gave me the creeps. I remember that feeling. I felt it again today.

And I know that most likely you have children -- if you don't have children, I know your best friends have children, you know, it's possible, sir, that you might have served in one of the wars and you've seen the futility of war, we've seen the truth about these things.

So, perhaps, we don't have to live in a world like that anymore. Things are changing. We live in a time of change.

MR. EIGUREN: I need to ask you to bring it to closure.

MS. ALDEN: So I'm not here to jump up in your face or get angry. Why I'm here is I'm asking you to take the power that you have, don't let yourself be a victim, whether you're afraid of losing your job or whatever, take the power that you have, share it with your colleagues, share it with your co-workers, and let's together be inspired to

3.1-8

change the policies of this nation for our children and for the planet.

Thank you.

MR. EIGUREN: I next call Ed Clark. Ed Clark?

Judy Backe? I apologize if I mispronounced your last name.

MS. BACKE: Backe.

MR. EIGUREN: Backe?

MS. BACKE: That's okay. My name is Judy Backe and my address is 1364 Viento Circle, Santa Fe, New Mexico, 87501.

MR. EIGUREN: May I ask you to speak in the mike?

MS. BACKE: Is this better? Can everybody hear me?

MR. EIGUREN: Thank you.

MS. BACKE: First of all, I'd like to say something about all this anger. I'd like to say the reason the people are so angry is because -- including myself -- is because I've been sleeping for a few years and now that my values have changed and I see the dilemma, the human suffering from unthought-out problems in other areas, I want to change my values, and my values have changed, but

3.1-8

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our political leaders that we gave the power to, wa forgot to tell them that our values changed, so I'd like to say, we have to get rid of the angar because that's no good -- that's no good.

So I would like to go on with some real practical things here, and I don't have a lot of time, so I'm just going to get right to the business here. I'm also a real estate broker and I understand contracts. I love them, but I'm not willing to die for them -- okay -- so are some of my neighbors. I can live with that.

So I'll go on to say what I came to say as a -- just an ordinary person. Our leaders today in America who have come through our educational system have been cheated in their education. Our highly skilled, clever and knowledgeable people, in one field or another, are lacking compassion in their relationships with those that they are leading.

What we see in our leadership is more self-importance, more self-grandisement. We see distortions of observations. We see projections of one's own personal conclusions, beliefs and ideas. Failure in understanding the whole meaning and depth of compassion. Only without compassion would a business person or political leader or an

3.2-1

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industrialist, motivated by greed, stand up and tell its populous, "We can assure you that the WIPP site is perfectly safe for 1,000 to 10,000 years without further testing."

Only without compassion would we take such an unrealistic approach to nuclear chemical waste.

Particularly in light of -- and everybody has cited this over and over again, but this is real -- the disasters of Chernobyl, Three Mile Island, Exxon, Bophal, India, Rocky Mountain Flats. These are examples of reality. Nobody could foresee these accidents and most certainly, in the latter cases, were not prepared for the tragedies that followed and the human suffering.

There is an extraordinary phenomenon going on here in America and everywhere, and I'm talking about violence, greed, envy and hatred, which are all brought about by fears. We can make money while we're cleaning up this planet, we can, so we're not taking your jobs from you, therefore, the politicians -- I would never want to be a politician, I don't want your job, I just want you to know that our values have changed and we want you to work for us.

So today when we have no compassion, we

3.2-1

have no clarity, we are all living in great anxiety and uncertainty. That's why we're here. We're seeking security in some form or another because we are seeing old beliefs start to crumble.

You have to start changing your pattern, folks. It creates a lot of trauma inside of yourself and inside of everything that you're doing, and it's hard to deal with this change, but it's healthy. It's healthy to change.

We are waking up to the fact that the earth belongs to all of us. It does not belong more to one man or woman than another. Chemical nuclear waste is a global problem. It came about because for the last 50 or more years, we let it, because when you don't write an answer and when you don't vote, that is an answer, too, isn't it?

It only takes clarity in thinking to realize that 1,000 or 10,000 are 240,000 years is a very long, long time to not be able to walk on a piece of our earth anywhere in the world, let alone trying to police it because of a disaster.

Love is passion -- and I'm also an artist and I have lots of it -- which is compassion, which means you have a sensitivity, an extraordinary feeling of affection for your fellow man. You can

3.1-8

sense the beauty in all things, which means you would not be attempting to rush or force a project that will affect thousands of people, animals and nature for thousands of generations to come. A project that threatens affliction, a project that threatens a highly dangerous situation, a project that is not well thought out, because if I were selling this project as a broker -- I have to tell you right now that I love to sell and I have to believe in my product because I have a heart, and I'm going to tell you if this is so good, then can't you wait and meet the EPA standards? It's as simple as that. I'll help you sell it.

We Americans would like to believe that our public officials are working on our behalf and representing our new values -- I keep saying "new" now because for awhile we're in a mess from the old values -- and representing our new values. We would like you to reflect that we have a right in America -- and I love America, I love it and I love it and I love my neighbors, my friends and my relatives -- we have a right to choose here. This is not Red China.

Our government that we all put into place has one good thing that's really great here and that

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3.1-8
3.2-1

is that we have a right to live and work in a healthy environment. This is what our government promises, folks, even though you haven't read this, but this is there. I have a right to it. You have a right to it. I want to work.

MR. EIGUREN: Ma'am, I need to ask you to bring it to closure, if you would.

MS. BACKE: All right, sir, I will.

We must awaken in us a cooperative and sharing spirit in order to tackle and resolve the eminent problem of nuclear waste. We must observe the actual facts to eliminate the conflict so we can make a clear choice about a project that is so clearly marked with potential -- potential disaster.

I would like to thank Maxwell Cole and all the other elected officials and tell you and make a record to Congress, you will never be unemployed as long as you're working for the health of the people -- of the ordinary people and the health of our environment.

I'd like to ask my fellow citizens and friends here to remember this and to please get up and do something about it, and that is that President Bush elected James D. Watkins, who is the

head of the DOE, and I would like you to write letters to the president, because I'm sure he may want to run for reelection, and I'd like to thank you all of you.

Thank you.

MR. EIGUREN: I next call Mary Ford.

MS. FORD: I have a copy of my testimony for the record.

MR. EIGUREN: Thank you.

MS. FORD: Ms. Sallani and Mr. Hunt, thank you for the opportunity to be here.

MR. EIGUREN: Thank you.

MS. FORD: My name is Mary Catherine Ford. My address is General Delivery, Lamy, New Mexico.

I live approximately two miles from 285, the WIPP route through New Mexico, and the country, it seems.

I take issue with two aspects of the Supplemental Environmental Impact Statement: one concerning what you, the Department of Energy, are not telling us, the citizens of New Mexico; and the other concerning what New Mexico officials refuse to hear from us, the citizens. I believe that these two issues require the DOE to choose the no-action

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alternative.

First, the Supplemental Environmental Impact Statement fails to tell us how these radioactive and chemical wastes can hurt us. The language in the statement is oblique at best. Ten years ago this spring, I sat in an Oklahoma City courtroom and I heard Dr. John Gofman, one of the three scientists who first isolated plutonium for the Manhattan project on the hill, he told a 12-person jury and spectators like me what amounted to a course called Plutonium 101.

It's terrifyingly simple, and it can be in your statement just as simply put, plutonium gives off alpha particles, a form of radiation which travels a very short distance. I can cover it with this piece of paper and it won't come through paper, but it has terrible force.

When you breathe or ingest plutonium and it gets in your skin, it begins firing alpha particles into the surrounding tissue of your lungs or your stomach or your liver or your ovaries or your testes or wherever it stops in your body. Those particles rip through the DNA of the cells, destroying the mysterious and beautiful language that tells the cell how to reproduce.

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7.3.5.4-3
7.13.1-8
7.13.4-1
7.14-10

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From that moment, the cell is cancer. It may take 10 years or 25 to become a tumor or leukemia, but the cells, which continue to be bombarded by the plutonium, are forever damaged.

I quote from Dr. Gofman's testimony in Silkwood versus Kerr-McGee, page 732 of the court record, a copy is attached to my testimony, "Expecting that an alpha particle will go through a cell and not do horrible damage is the same thing as expecting if I took the back off a Swiss watch and took an ice pick and rammed it through that watch, is like expecting that watch was going to function just as well as it did before. Or taking a beautiful color television set, surrounding it with machine guns, and just ripping bullet holes for an hour, and then saying, 'I expect that television set will function just fine.'"

The word "cancer" appears infrequently in the SEIS and then largely in the context of indecipherable tables which purport to tell us how many deaths by cancer you believe will be attributable to transporting waste through our communities and storing it at the WIPP site.

I quote again from Dr. Gofman's testimony, page 742, also attached, "No plant" -- and I submit

7.13.1-8
7.14-10

7.13.1-2
7.13.1-7
7.13.4-1
7.14-10

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no project like WIPP -- "has any right to talk about a safe amount or a permissible amount. There is no such thing as a safe amount. And 'permissible' is simply a licensa to give you a poison that can kill you. Science recognizes that" -- I believe Dr. Gofman had the right to make that statement -- "and that is the prevailing consensus today in science; that you must assume there is no permissible dose." 7.13.1-2 7.13.1-7 7.13.4-1 7.14-10

I take particular issue with the statement on page 5-16 of the statement that the only potential radiation exposure during routine transportation is from direct radiation through the TRUPACT containers. Any vehicle which drives into Rocky Flats or Hanford is going to be contaminated with plutonium, ladies and gentlemen, unfortunately, it's been proven in the last few days, and that truck will carry that contamination all the way to WIPP on our roads. 7.3.5.1-18 7.3.5.4-3

Men responsible for ill-advised technological ventures are rarely called upon by name to explain their actions. The persons at the DOE and at Westinghouse who participated in this statement and in this project should be named and held responsible for their moral obligation to give 3.1-2 3.2-1

TS-00550, Page 5

us honest information about the risks of this project, because this risk, flatly put and on the basis of the statement, is a license to kill X number of New Mexicans so the rest of the country can dump its nuclear weapons waste and Westinghouse can make a profit. 3.1-2 3.2-1

This whole project, however profitable to the nuclear weapons industry and however costly to scrap at this stage, is not worth the life of one child --- we're on the route, I might add -- any of your children's lives.

Second, I take issue with the routes shown in the SEIS for WIPP transportation. The New Mexico roads discussed in the SEIS have never been designated by the State of New Mexico to transport hazardous wastes, and state officials have repeatedly refused to hold public hearings to listen to us, the people who live along these roads, about whether they are indeed the shortest and safest routes, because 285 leaves the interstate, which is ordinarily the route designated for these kinds of wastes. 7.3.3-3 7.3.3-6 7.3.3.1-15

We could tell you about these narrow, two-lane, hilly roads -- you've heard about them all day and all day yesterday -- which ice up in the winter,

where the traffic increases every day as new subdivisions are approved south of Santa Fe. One was approved Monday night at the Santa Fe County Commission meeting against a lot of protest. Roads overrun with Santa Fe-bound tourists speeding to buy the first Navajo rug of the season.

Yesterday the New Mexico Environmental Board refused to place on its July agenda a request by citizens along the 285 corridor for hearings on designating that road the main off-interstate WIPP route for the entire country. They rely on a New Mexico Attorney General's Opinion which states that a blurry photocopy of a state map attached to the Supplemental Stipulated Agreement of 1982 is sufficient designation by the state of the routes.

A document I picked up in the lobby provided by the DOE is entitled, "Highway Route Selection" -- and you can all get one of these in the lobby -- apparently, route four, the DOT recognizes that highway safety considerations can be and are highly local concerns -- and we thank the DOT for recognizing that -- therefore, the DOT specifically requires that tho process of designating preferred routes be designed to involve the participation by local government

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7.3.3-6
7.3.3.1-15

3.3-4

representatives and members of the general public.

We have not been given that right. We really ask that you urge our local officials to at least let us have hearings on these routes.

In closing, in bargaining for the WIPP project, our state officials have signed what amounts to a contract of marriage with the DOE to wed the people of this state to WIPP. Now the wedding day is approaching and we finally know something about the bride. We do not like Uncle Rocky Flats and Aunt Hanford, Washington. We haven't received the promised dowry of new improved highways, the safety training programs. Even worse, we have seen through the veil of promised jobs and economic well-being and what we see makes a Steven Spielberg special-effect look like the Mona Lisa. It is a face of cancer, genetically mutated and diseased, and it is a face that this state will be married to forever. We do not want to marry your daughter of death and disease.

Thank you.

MR. BIGUREN: Exhibit 392 for the record is the written comments of Mary Catherine Ford of Lamy, New Mexico.

(Exhibits 391 & 392 marked.)

3.3-4

9-8

MR. EIGUREN: Next scheduled commentor is John Higgins. John Higgins?

Piper Mellow? Piper Mellow?

Emily Morris? Emily Morris?

Judith Polich? Judith Polich?

Dr. Jo Ann Fineman? Dr. Jo Ann Fineman?

Chris Sandefur? Chris Sandefur?

Janet Griego? Janet Griego?

We'll go back to the top of the preregistered commentor list. I'll call these individuals who I called earlier and had gotten no response to.

Pat D'Andrea?

Munsie Davis?

Lulu Garfield?

Paula Seaton-Paulette? Paula Seaton-Paulette?

Al Elder? Al Elder?

Vicky Nelson? Vicky Nelson?

Paul Wilkins? Paul Wilkins?

Tim Strand? Tim Strand?

Luke Gatto? Luke Gatto?

John Collignon? John Collignon?

Anne Hansen? Anne Hansen?

Ed Clark? Ed Clark?

John Higgins? John Higgins?

Piper Mellow?

MS. MELLOW: That was good timing. I just walked in. Hi. You need my address?

MR. EIGUREN: Please.

MS. MELLOW: 798 --

MR. EIGUREN: I need to have you move the microphone just a little bit.

MS. MELLOW: 798 Calle Altamira, Santa Fe, New Mexico.

MR. EIGUREN: Thank you.

MS. MELLOW: I have a prepared statement that I'd like to read to you this evening.

My husband and I moved to Santa Fe in August of last year from Dallas. We were looking for a place to live where the stress was minimal and the quality of life was high. Santa Fe was the answer for us; we thought.

As soon as we arrived, I began seeing signs and hearing advertising on the radio about the WIPP, so I decided to investigate. The more I read and became involved, the more I realized that we had not moved to a city where the quality of life would be upgraded for us. Quite the contrary. We traded simple traffic jams and major pollution for the risk

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of exposure to radioactive substances. To say I was disheartened is an understatement, but we love living in New Mexico and we love it so much that we felt it was worth staying and fighting for.

So I offered -- so I offer the following for your introspection.

What if we decided to open the WIPP site immediately? What if we began the shipments of waste directly through Santa Fe? What if there is an accident near a school or residential area? What if there is a leak in the containers carrying the radioactive material? What if we're not adequately trained to clean up the spill? What if the exposure is great enough to cause serious illness? What if, when the waste is emplaced, it is discovered that the water seepage into the caverns is carrying the waste into the Pecos River? What if the salt corrodes too rapidly during the so-called testing period and we can't removed it? What if, after the waste is emplaced, we find that the WIPP site does not meet the EPA standards? What if millions of people are contaminated? What if even one person dies as a direct result of radioactive contamination? And then, what if we discover we could have prevented contamination to anyone if we

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7.3.3-3
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7.3.5.1-12
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3.1-3

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had complied with EPA standards before emplacing any waste? What if?

The real waste here is at best the diminishing of our quality of life, and at the worse, the loss of life. The DOE has the power to prevent these what if's by deciding today to prevent tomorrow's potential disasters.

Please, let's take the time now to act responsibly to resolve the unanswered questions, to build adequate bypasses and, most of all, let's be 100 percent positive that the WIPP site is the answer before any waste is transported and before any waste is buried.

Thank you.

MR. EIGUREN: Thank you. Exhibit 396 for the record will be the written comments of Piper Mellow.

(Exhibit 396 marked.)

MR. EIGUREN: Moving down the list, Emily Morris? Emily Morris?

Judith Polich? Judith Polich?

Dr. Jo Ann Fineman? Dr. Jo Ann Fineman?

Chris Sandefur? Chris Sandefur?

Janet Griego? Janet Griego?

We've been on the record for approximately

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two hours, we will take a recess for 15 minutes and go back on the record at 9:35.

(Recess held.)

MR. ZIGUREN: We will bring the hearing back to order. It is now approximately 9:40, June 16th, 1989, in Santa Fe, New Mexico. This is the public hearing, the Department of Energy Proceeding Number 0026-DS, that is being held for the purpose of receipt of public comment regarding the Draft Environmental Impact Statement prepared in relationship to the proposed operation of the department's Waste Isolation Pilot Plant located near Carlsbad, New Mexico.

Prior to recess, we had gone through the list of individuals who had previously testified -- or previously requested the opportunity to testify.

During the break, I had a discussion with a number of individuals who have indicated that they were requesting that the hearings being held parallel to this be consolidated in this room at this particular point in time. I remind you that at the beginning of this hearing, a request was made to consolidate the hearings tomorrow and I indicated that I would take that particular matter to DOE for a decision. I will do that first thing in the

morning as it relates to tomorrow's hearing.

I don't have the independent authority to consolidate the hearings here this evening, so it will be our intent to continue to receive comment from individuals in each of the hearing rooms where they are prescheduled or at-the-door scheduled to comment for the balance of the evening. So I would remind you that we do have parallel hearings going on upstairs in the two rooms to my immediate left, to your right.

The hearing officers and hearing panels will be there to the appointed hour for the last scheduled commentor. We will do likewise here.

So at this point, we'll go ahead and, once again, begin the receipt of public comment from individuals who were scheduled to testify before this hearing panel. Let me go back to the top of the list for those who prescheduled or at-the-door registered to comment in this room. These are individuals whose name I'm going to call that were not here earlier -- in the event that they are here, we'd like to go ahead and receive their comment. I would note for the record that several individuals have arrived during the interval and are ready to comment. Let me go ahead and start at the top of

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the list. These are individuals whose names I called earlier and had gotten no response.

Commentor 197, Munsie Davis?

Commentor 200, Lulu Garfield?

Commentor 213, Paula Seaton-Paulette? Paula Seaton-Paulette?

214, Al Elder? Al Elder?

216, Vicky Nelson? Vicky Nelson?

218, Paul Wilkins? Paul Wilkins?

I'm informed that commentor 219 is here, Tim Strand. Mr. Strand, we would ask that you give us your name and address for the record, sir, and you have five minutes for comment. At four minutes, the green light goes on and at five minutes, the red light; once the red light goes on, bring it to a closure within a reasonable period of time.

DR. STRAND: Okay, just like presidential debates.

MR. EIGUREN: That's correct, just like a presidential debate.

DR. STRAND: My name is Dr. Tim Strand, I live at 613 Alejandro Street in Santa Fe.

MR. EIGUREN: Excuse me, can everyone hear the doctor?

DR. STRAND: I'll try it again. Is that a

TS-00552, Page 2

little bit better?

First of all, having attended a little bit of yesterday's and just sitting in here previously tonight, I must compliment the panel for how well you seem to be standing up and I compliment your stamina. I must tell you that your faces are probably going to become associated with the Department of Energy, at least in the minds of Santa Feans for quite some time.

It is that image of the face of the Department of Energy that I'd like to address some of my comments, because when I talk to somebody and I look at their face, I also look at their deeds and their actions, and it is those deeds and actions of the Department of Energy that strongly concern me, because when I look at past habits of the Department of Energy, the Savannah River Plant, the Rocky Flats Plant and also the Hanford Nuclear Reservation, I see very little to comfort me or reassure me about the intentions and oversight of the Department of Energy.

When I look or listen to the words of the Department of Energy concerning the WIPP site and I hear the Department of Energy asking for exemptions from EPA standards, I become alarmed. For citizens

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to trust the Department of Energy, it would seem that the department should voluntarily agree to meet the most strict environmental standards for WIPP, and I would suspect -- I would like to assume that you would voluntarily, not in diversion or being forced to meet those EPA standards.

When I think of the waste that has been accumulating for the past 40 years and I think that these wastes are going to be with us for tens of thousands of years, I can't help but think that a short delay of two years, five years, even ten years in handling the nuclear waste may become appropriate for us to strongly and safely address these concerns that many citizens have brought forth tonight, because five years or ten years in the course of tens of thousands is going to be an insignificant amount of time.

In the length of time that it takes for you to delay, perhaps, the WIPP, we may even become wiser in our technology and we may learn better ways of handling WIPP and the waste that we are now developing and we may even become wiser in these few years and we may become wiser as a society and as a civilization that we may decide it's time to stop production of these wastes.

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5.3-1

And I would like to -- I would like to see a delay into our technology until perhaps our wisdom improves. I would like to be able to look back at the Santa Fe hearings and other hearings across this country concerning these wastes as the time when the Department of Energy takes on a more human face, a face that we feel that we can trust as taxpayers and as citizens, but it's going to take more than words, it's going to take actions on the part -- on the behalf of the Department of Energy. And I would like to look back with celebration that this perhaps is a time when the Department of Energy starts actions -- actions that will restore a sense of trust to us as citizens, and I would like to see more actions to restore that trust rather than just words.

Thank you.

MR. EIGUREN: Luke Gatto? Luke Gatto? John Collignon? John Collignon?

UNIDENTIFIED SPEAKER: He's out of town.

MR. EIGUREN: He's out of town? Okay. Thank you.

Anne Hansen?

MS. HANSEN: Hello. Hi. My name is Anna Hansen.

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MR. EIGUREN: Anna --

MS. HANSEN: I live at 2008 Kiva Road in Santa Fe. Thank you for the the opportunity to address this hearing. I'm going to try and address a couple solutions -- problems that I have.

One is that I don't believe that WIPP is a solution for the dumping of nuclear waste. We live in a state that has the highest population of intelligent scientists in the country, Los Alamos and Sandia Labs. We have scientists from all over the world. Why is money not being spent on research on how to reuse the waste?

I feel that that is really important. The waste -- we live in a society where waste is continually being acquired with no thought to what we are going to do with it. This is not just another symptom of the society that we live in; this nuclear waste.

The next item I would like to address is the transportation. For one, I do not understand why it's being moved anywhere. The people who have created the waste in the states that it's created in should all be working on problems to solve and contain the waste that they have so that it's not leaking into the ground. I think it is extremely,

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extreaely dangerous to be traveling and moving toxic chemicals, nuclear waste, around the country when the containers are not adequate and they have not done a test to prove that they are -- they don't meet standards of crushing or puncturing, which are two of the most likely situations.

I do not understand why, if it has to be moved, why it's being moved by truck as opposed to rail and why the change was made. If the change was made because of monetary means because it's cheaper to transport it by truck, I don't believe that this is a case where money should be involved. Human life is what we are dealing with here and human life that is very precious and valuable. The transportation needs -- truly needs to be addressed and reexamined.

New Mexico is a state where the DWI rate is the highest in the country. Even if you can consider that every truck driver that you hire has an absolutely perfect driving record, he is not going to be able to avoid the amount of drunk drivers that New Mexico has, and I think that that is really something that one should take into consideration since we do have the problem of alcoholism and that phenomena in our country.

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We are dealing with a very serious issue, an issue that will be affected by carelessness, if carelessness exists. This is not a light subject. This is a very heavy subject and we are struggling for human life as we know it.

I would like to make one other comment about what the governor said about his feeling that people who were opposed to -- businesses that were opposed to -- to WIPP, that they shouldn't do business with the state. I feel like this is really unborn discrimination. This is a democracy, I believe, that we live in, and if we want to -- if we want -- if we are horrified by what the Chinese people are doing in Tiananmen Square; they have been doing this to the Tibetan people for years. In China, the nuclear waste is being dumped in Tibet.

Who knows how they are dealing with it, what is happening there, but here, in a democracy, at least that we can hopefully have some control over what is happening to the waste and protect human life. Human life is a very precious commodity. The welfare of the people must come first.

WIPP must be reexamined and relocated and research must be done. The people of the world, the

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United States and New Mexico must be safe for all future generations.

Thank you for your time.

MR. EIGUREN: The next scheduled commentor is Ed Clark. Your mailing address for the record, Mr. Clark, and you have five minutes' worth of comments, sir.

MR. CLARK: 50 Apache Road, Santa Fe, 87505.

MR. EIGUREN: Thank you.

MR. CLARK: I've lived here for 15 years. I'd like to speak about what I've considered to be two major misrepresentations and I'd like to wear two different hats while I'm making this presentation.

One hat is that as a graduate of MIT, and engineer and a scientist; the other one is as a former employee of Exxon, the major oil company.

There is a misrepresentation in my mind as to the TRUPACT tests, which are represented by a film strip which is continually showing out in the front lobby here that many of us have seen. It's a PR film put out by the Department of Energy and Westinghouse, a propaganda film, I would say, which suggests that TRUPACT has survived any number of

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tests designed to exceed the damage that's done, according to the announcer, in the vast majority of accidents. It's supposed to exceed any normal highway accident.

Go watch the film. There are flames. There are cold tests. There were drops. It's very impressive. But the question is, is it good science?

I wish I could ask -- I wish throughout this kind of meeting -- I wished I could ask, were there any engineers among you? How fast is that TRUPACT waste basket dropping, the one that hits the ground from 30 feet above the ground? The film makes it look very impressive, but what kind of a highway accident was that test duplicating? Was it a normal highway speed, as the announcer suggests?

I wonder if any one of you knows and I wonder if any one of you has the answers. If you don't know, this has to be a rhetorical question, unfortunately, how do you know what kinds of questions to ask those of us who are testifying? Is this a real hearing if no engineer is present among you?

On the other hand, if you do know, as an engineer, how can you defend that statement made by

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the announcer that this represents most highway accidents given the following: if you drop any object, other than a feather, from 30 feet, it is very close, as it works out, to traveling at about the speed of 30 miles per hour when it hits the ground. Do the vast majority of trucks who are going to be carrying the WIPP materials travel at 30 miles per hour? Is that normal truck speeds? Will WIPP trucks only travel as fast as the film actually shows the WIPP trucks apparently traveling at normal highway speeds?

Trucks in the heart of Santa Fe, right here on St. Francis Drive, travel much faster than 30 miles per hour. Why choose 30 miles per hour as the test speed? It seems to me there is only one answer possible and that is TRUPACTs are unsafe at highway speeds.

How high -- how high should the test drop have been? Let's say that we were imitating highway speeds, normal speeds of 65 miles per hour. A simple calculation by any engineer will show you that it should have been dropped from approximately 141 feet, almost five times the height of 30 feet that was actually used.

I wonder why you didn't simulate the

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7.3.4.1-1

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realistic speed, the Department of Energy. I wonder why you chose a horse-and-buggy speed for space-age radiation containers. I wonder if you were afraid to reveal how impossible it is to make a garbage pail safe at highway speeds.

After all, TRUPACT flunked its first test. Even after it did pass, it was marginal safety even at 30 miles per hour.

What about a realisitic test? A truck jackknifing at 70 miles per hour, slamming into an incoming truck or car also traveling 70 miles per hour in the opposite direction, you would really need a tall tower. If you use only 65 miles per hour for each vehicle and you have the tower that you would have to have to simulate this test for a drop, it would have to be 564 feet tall, almost 19 times as high as the 30 feet you actually did use in your simulation.

At those speeds, over goes the truck, three garbage pail bullet-shaped projectiles, all 27 tons of them, hit the ongoing vehicle, it's bye-bye TRUPACT; it's hello, radiation; it's goodbye, tourists and it's goodbye, safe environment.

Let's call, I suggest, TRUPACT by its real name. Let's call it the UNTRUPACT. UNTRU pack of

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lies and propaganda put out by the slick Department of Energy's PR propaganda team, bad engineering done by Department of Energy and Westinghouse. You guys get an F and you've been caught.

As for dropping onto a six-inch post also depicted in the film from three-and-one-third feet, that's less than falling off the truck onto a fire hydrant while the truck is standing still. What if the truck is moving at 65 miles per hour slamming into a girder or into a piling or even into a steel highway post? I'll leave that to your imagination as to what the consequences might be.

I'd now like to put on the second hat as a geologist and geophysicist and former employee of big oil, Exxon Oil of the United States, Turkey and Spain. I quit after 12 years, but I wonder why I didn't quit sooner. Well, it was because of money. Why eventually quit?

Well, there were simple answers. I saw too much corruption and politics in high places, too many people afraid of getting left behind on the corporate ladder, to much clawing on the way up, too much faceless bureaucracy, too much bad science, too much bad engineering, too many bad vibes.

My experience tells me that all these

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bureaucracies can't help doing bad science because politics gets in the way because it's hard to keep a job and be a whistleblower at the same time.

Judging by UNTRUPACT, the same thing, I suggest, is true with the Department of Energy. Ironically, Department of Energy, the DOE initials, remind me of a different acronym, that of the faceless, sorry bureaucratic DOE, the acronym which for me was "Dear Old Exxon," Exxon of Valdez fame, Exxon of the drunken ship drivers and poor safety practices.

Similarly, one drunken UNTRUPACT driver, one unescorted convoy of UNTRUPACTs, one set of poor brakes, for the same reason as we have on the shores of Alaska, we will have radiation on the roadsides and in the salt mines of New Mexico, and it won't in a few years.

Don't try it, Department of Energy. Stop claiming that bad engineering is good engineering. Stop before we have to stop you.

Thank you.

MR. EIGUREN: Thank you, Mr. Clark.

Next scheduled commentor is John Higgins. John Higgins?

Emily Morris? Emily Morris?

7.3.5.1-12

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Judth Polich? Judith Polich?

MS. POLICH: I live at 2918 B Avenida Alamosa here in Santa Fe.

My remarks are largely directed to the New Mexico Legislative Delegation and Congressional Delegation, most of whom are asleep by now.

I'm an attorney here in Santa Fe and I'm a voter and a taxpayer. I consider myself a reasonable and rational person. I think most of you would agree that our country faces a crisis in determining what to do with its nuclear and toxic waste and that this is a problem that won't go away.

WIPP may be a partial solution, but it's really too early to tell. I realize that tremendous pressures are being placed on those of you in decision-making positions to fast track the opening of WIPP; pressures coming from surrounding states and from Washington.

I'm confident that most of you recognize the enormous risks of moving too rapidly with this project and have the integrity to stand firm. We're dealing with materials that will remain toxic for 240,000 years -- 3,400 generations -- and that is a considerable amount of time.

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Those of you who stand in decision-making positions in New Mexico and in Congress have a tremendous responsibility. Perhaps at no other time in your lives will you be asked to make a decision that has more long-term potentially disastrous consequences. This must be a time for thoughtful deliberation and extremely cautious action. That is the minimum you owe the people of this state, the nation and future generations. You must uphold that sacred trust, not just for one generation or for seven generations, but for 3,400 generations.

Let us be mindful of the following:

The current EPA standards are invalid and illegal. The new standards will still be minimal standards. We're dealing with the most toxic substances known to man. It is inconceivable that this project could move forward until it meets the new EPA standards, and it is unlikely that those new standards will be available for at least a year. 3.1-3

The SEIS is inadequate in many respects. There is too much unknown information. There is no discussion of alternatives. There is no analysis of the risk of human error. The report is based on tainted and prejudicial sources rather than on independent and impartial sources. It contains far 2.3.1-2 7.3.3-3 7.3.5.1-19 7.13.3-1 7.14-2

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too many dangerous and unwarranted assumptions to have credibility. 2.3.1-2 7.3.3-3 7.3.5.1-19 7.13.3-1 7.14-2

The project must comply with the RCRA standards and it presently does not. 3.7-1

An administrative land withdrawal is a ridiculous threat and would not and must not be allowed. 6.1-1

These are complex issues. We must listen to the scientific community. The National Academy of Science has had an opportunity to review the project. When they give it a go ahead without reservation and only after all other standards have been met should we consider moving forward with this project. 3.1-6

The NEPA requirements must be met. 3.7-5

The DOE has a questionable track record. In spite of promises and assurances to the contrary made by DOE, many communities across the country must now live with severe environmental and health hazards. We don't want New Mexico to turn into another Rocky Flats nuclear sacrifice zone. 3.2-1

Finally, the entire public participation aspect of this process has been seriously flawed. I had to call DOE's preregistration number over a dozen times before I finally got through, and then 8-10

your answering machine cut me off three times before I'd given half of my address. I don't know if that action was deliberate, but I do know that it's an effective way to limit and eliminate public involvement. If this happened to me, it happened to dozens, if not hundreds, of others. 8-10

In summary, to proceed with emplacement without more information and without full compliance with federal law would be illegal. It could also, under the circumstances, prove to be so outrageous and irresponsible as to be criminally negligent. 1-3 3.1-2 3.1-3 3.2-1

Thank you.

MR. EIGUREN: We have a number of written comments we received for inclusion in the record. The written comments of Judith Backe will be included as Exhibit 391. Exhibit 395 was submitted by Jean Nichols on behalf of La Comunidad. Exhibit 396 were the written comments of Judth Polich of Santa Fe, New Mexico.

(Exhibits 395 & 396 marked.)

MR. EIGUREN: Returning to our list of preregistered commentors and at-the-door registered commentors, I would next call Dr. Jo Ann Fineman.

Dr. Fineman, I request that you give us a mailing address for the record. You have five

minutes to comment. The green light goes on at four, red light goes on at five and bring it to closure within a reasonable time after the red light is on.

DR. FINEMAN: No problem.

MR. EIGUREN: Thank you.

DR. FINEMAN: The address is 1430 Canyon Road, Santa Fe.

I'm going to read my comments, but I would like to enter this into the record.

MR. EIGUREN: We'll mark it as Exhibit 397 for the record.

DR. FINEMAN: Thank you. I wish to bring to the attention of those present, and particularly to the project manager and associates, a neglected and rarely articulated outcome of projects such as WIPP, related to the larger issue of nuclear proliferation and production of nuclear weapons in this country. 3.8-1

For several years, child and adolescent psychiatrists, who deal with the anxiety of children and adolescents in their daily practices, have been aware of the increasing level of nuclear anxiety in young people of all ages, both in the United States and in other countries caught up in the arms race

and in nuclear productivity.

The American Academy of Child and Adolescent Psychiatry, in response to this knowledge, has established a Committee on Developmental and Clinical Aspects of the Nuclear Threat, of which I am a member. This committee has published a position paper, which I will attach to this communication and enter into the record as well, and my comments are addressed to this aspect of the WIPP project, which, from a variety of studies and reports, poses a clear threat in much the same way that other poorly controlled components of nuclear production do. 3.6-1

In a spontaneous gesture, a group of Santa Fe High School students earlier this year issued a statement regarding the WIPP project, expressing dread and anxiety for their and other's future health and survival given the possibility of leakage and accidental dissemination of nuclear waste, either in transportation or in underground storage vaults as they are presently constituted. 7.2-3

This portion of our population, namely young people, may often voice concerns which are denied and avoided by adults. I believe that their response to the WIPP project represents such a

statement, and these Santa Fe adolescents, as well as their counterparts elsewhere in this country and abroad, deserve the awareness and careful consideration given to older members of our society.

Any nuclear threat impacts upon the psychological health of children and adolescents, perhaps with greater intensity than that felt by the more avoidant adults. Feelings of helplessness and impotence are generally prevalent in this age group and are augmented, often to almost pathological degrees, by such absolute helplessness as is incurred by the dangers imposed by the WIPP plan, or any other poorly controlled nuclear project which can potentially threaten the health and safety of a large segment of the population. 7.2-3

Therefore, in speaking in opposition to the conception of the WIPP project, I wish to focus on the larger problem, included in responses to the project, of increasing and magnifying nuclear anxiety in children and adolescents of the area directly affected by WIPP, and in the overall population of children and adolescents in this country.

Thank you.

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MR. EIGUREN: Thank you. Dr. Fineman's comments, as I mentioned, are Exhibit 397 for the record.

(Exhibit 397 marked.)

MR. EIGUREN: The next scheduled commentor is Chris Sandefur. Chris Sandefur?

Janet Griego? Janet Griego?

We'll go back to the top of the walk-in and preregistered commentor list for this session and call these names one more time. These are individuals whose name I called earlier and got no response.

Pat D'Andrea? Pat D'Andrea?

Munsie Davis? Munsie Davis?

Lulu Garfield? Lulu Garfield?

Paula Seaton-Paulette? Paula Seaton-Paulette?

Al Elder? Al Elder?

Vicky Nelson? Vicky Nelson?

Paul Wilkins? Is this Mr. Wilkins?

Yes, sir. If you'd step to the podium, sir.

MR. WILKINS: My name is Paul Wilkins. I'm a solar electric guy. I wish you guys would spend all the money on solar that you spent on WIPP,

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in general.

I have been reading for years -- back from the days when you were AEC, a lot of people from AEC became DOE, so I don't see a difference and I see that we were continuing with nuclear testing and about how safe nuclear was going to be for everybody. And we find that time after time after time, nuclear plants don't start on time. Nuclear plants are built with some very questionable building practices. I don't know about WIPP, because I haven't been down there to see it, maybe you guys would like to take 20 busloads of people from Santa Fe down to take a look so that we know what it is.

We also, many of us, think that the decision has already been made that this thing is going and that the public input is of no use. This shows how a democracy works, perhaps. Well, if you do go ahead and do it, I sure as hell hope you do it right. 2.3.2-2

There is an awful lot of questions that people are walking around talking about. I read the press releases about water migration inside and they say it's very slim. It says they'll take -- what was it? -- 110,000 years for something to leak there 7.14-9

to get to the Pecos River. I don't think that anybody knows the data.

I think people are saying what they need to say for their businesses, for their occupations and for their jobs. And there is one other point, guys, all of you in the audience ought to know if you've read the literature that's come out from those, that DOE and Westinghouse are doing this. It's not just DOE.

I saw a special the other day on the arms race and they opened up a bunch of silos on top of all these rockets that are sitting there at Westinghouse. Well, it seems to a lot of people that the bigger the organization gets, the less believable it is. And I sincerely hope that if you do do this, that you do it absolutely right, you check out everything, you check out everybody's complaints, bitches, moans, gripes, all of them, and show us how it's going to work.

Thank you.

MR. EIGUREN: Going down the list of preregistered commentors and at-the-door registered commentors, I call Luke Gatto. Luke Gatto?

John Collignon? John Collignon?

John Higgins? John Higgins?

7.14-9

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Emily Morris? Emily Morris?

Chris Sandefur? Chris Sandefur?

Janet Griego? Janet Griego?

That concludes our list of preregistered commentors for this, our evening session, on June 16th, 1989.

We are now -- we're now within the 30-minute cutoff time frame for this particular public hearing, so we will now stand in recess until the hour of 7:00 AM tomorrow morning where we'll resume this hearing at the Eldorado Hotel.

Thank you and good evening.

(Proceedings in recess at 10:25 PM.)

STATE OF NEW MEXICO)
)ss.
COUNTY OF BERNALILLO)

I, Kathy Townsend, the officer before whom the foregoing proceedings were taken, do hereby certify that I personally recorded the hearing by machine shorthand; that said transcript is a true record; that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this matter is taken, and that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

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