

1 UNITED STATES GOVERNMENT

2 ENVIRONMENTAL PROTECTION AGENCY

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12 PUBLIC COMMENT ON CERTIFICATION OF WASTE ISOLATION

13 PILOT PROJECT

14

15 SANTA FE, NEW MEXICO
THURSDAY JANUARY 8, 1998
16 EVENING SESSION
7:00 P.M. TO 10:45 P.M.

17

18

19 EPA PANEL: RICHARD WILSON
LARRY WEINSTOCK
20 FRANK MACINOWSKI

21 MARY KRUGER
KEITH MATTHEWS
22
23
24
25

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1 PROCEEDINGS
2 SANTA FE, NEW MEXICO, THURSDAY, JANUARY 8, 1998
3 EVENING SESSION

4 MR. WILSON: Good evening, and welcome to the
5 U. S. Environmental Protection Agency's continuation
6 of our hearing to receive comments on our proposed
7 decision to certify that the Department of Energy Waste
8 Isolation Pilot Plant, known as WIPP, is in compliance
9 with EPA Radioactive Waste Disposal Standards.

10 My name is Richard Wilson. I'm the Acting
11 Assistant Administrator for the radiation program at
12 the Environmental Protection Agency in Washington D.C.

13 I guess first I'll introduce the rest of the
14 panel. All of us are from the Environmental Protection
15 Agency in Washington D.C.

16 Larry Weinstock, Frank Marcinowski, and Mary
17 Kruger, all in the radiation division, working on this
18 project and other issues, and Keith Matthews from our
19 General Counsel's office.

20 I won't go through all the background that I
21 did when we started this afternoon, but just for those
22 of you who weren't here, I'll mention how the hearing
23 works. It's an informal hearing, so we don't swear
24 people or have cross-examination. We just are here to
25 get your comments on our proposal.

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1 We have had to limit the time each person has
2 in order to make sure each person had an opportunity to
3 speak, so individuals have been given five minutes. If
4 you are representing a group, you have ten minutes. We
5 have a little timer to help you get a sense of where
6 you are in terms of the schedule. It will turn green
7 when you start your testimony, it turns yellow at about
8 two or three minutes, and then turns red when your time
9 is up. It's okay if you are over a little or under a
10 little, but please try to stay roughly on time. We're
11 going to stay here tonight as late as we need to so
12 that everyone has a chance to testify who is here who
13 wants to testify, but if you take longer than your
14 time, you are really eating into somebody else's time,
15 so that I encourage you to try to stick to our
16 schedule. If you have a longer statement than that, we
17 would be happy to take it and enter it in full in our
18 record.

19 For those of you who are interested in

20 submitting comments later, our public comment period is
21 open until February 27. There's information in the
22 back about where to send the comments to. If you would
23 like to send comments in writing, in addition to any
24 testimony or instead of testimony, or in response to
25 somebody else's testimony, I'd encourage you to do

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1 that. We will read every bit of testimony that we get
2 and we will review all the testimony we get here, and
3 all the written comments we get before we make a final
4 decision on this matter.

5 So your comments tonight and your comments in
6 writing that you get us by the end of February are
7 important, and I would encourage you to do that.

8 We thank all of you for coming. As you know,
9 we started the hearing process Monday in Carlsbad, and
10 then were in Albuquerque, and came here this afternoon.
11 We'll be here tonight and most of tomorrow. So we
12 really appreciate the number of people who have come
13 out and the comments they have made, and we look
14 forward to the comments tonight.

15 We had one person, I think, from this
16 afternoon who wasn't here.

17 Richard Polasi, I think is -- Is he here?

18 (Note: No response.)

19 Okay. We will try again in a minute.

20 Deirdre Boak.

21 MS. BOAK: Are we supposed to use this

22 microphone?

23 MR. WILSON: Yes. I'm sorry.

24 MS. BOAK: My name is Deirdre Boak, and I'm a

25 resident of Santa Fe County. I'd like to comment on

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1 the WIPP certification process.

2 First of all, in a book entitled Uncertainty,

3 Morgan and Henrion quote Cicero as saying:

4 Probability directs the conduct of the wise man.

5 This is very relevant for WIPP certification,

6 because we will never know with perfect certainty about

7 the performance of this system over the next 10,000

8 years. In fact, I think that Morgan and Henrion, who

9 are recognized experts in scientific uncertainty and

10 policy issues, would argue that perfect certainty,

11 i.e., the elimination of all uncertainty, is neither

12 attainable nor desirable. The EPA must make the

13 certification decision on the basis of the reasonable

14 likelihood or probability that TRU waste can be safely

15 isolated for the performance period.

16 As a taxpayer, and with respect to WIPP, I do

17 not want to pay for the collection of information that

18 is not of direct relevance to ensuring either safe,

19 long-term repository performance or operational safety,

20 so knowing the exact contents of waste containers, for
21 instance, may not be necessary. In fact, we ought to
22 be working to remove the conservative assumptions made
23 in the areas of waste characterization and
24 transportation, because unnecessary conservatism both
25 costs taxpayers money and adds nothing to their safety.

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1 Conservative assumptions could also seriously constrain
2 an ability to ship waste to WIPP inappropriately
3 constraining DOE's ability to solve a system-wide
4 environmental problem.

5 Another area of concern for many people has
6 to do with petroleum issues, and I would like to
7 comment on this. As a former reservoir engineer, it
8 appears to me the petroleum potential of the WIPP area
9 has been very significantly overestimated, as has the
10 potential for human intrusion. The use of fluid
11 injection has been also overestimated. If the site is
12 rejected on the basis of the petroleum issues, I think
13 we will have rejected a sound site for reasons that are
14 fundamentally unsupportable.

15 Finally, I'm concerned about the ability of
16 fringe groups to influence the certification process
17 politically. I recently got a notice from a local
18 group stating, quote, "EPA has caved in to DOE pressure
19 and announced its preliminary decision to approve the

20 DOE's WIPP Certification Application."

21 This notice goes on to say that the
22 particular organization has been invited by the
23 Attorneys General of Texas and New Mexico to
24 participate in several lawsuits seeking to stop the
25 opening of WIPP because of safety problems.

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1 I do not believe the EPA has caved in to
2 anyone. There is a process defined by the regulations
3 that will get us to the right answer on WIPP safety.
4 So I ask you not to be swayed by people or arguments
5 indulging in political power plays. I ask you not to
6 take costly conservative positions without careful
7 thought. Please make the certification decision on the
8 technical issues and the regulatory guidelines.

9 MR. WILSON: Okay. Thank you very much for
10 your testimony.

11 Next is Jeremy Boak.

12 MR. BOAK: Yes, there is a relationship.
13 Thank you.

14 My name is Jeremy Boak. I'm a geologist by
15 training, and I spent five years directing performance
16 assessments of the potential repository site at Yucca
17 Mountain for the Department of Energy. I reviewed
18 performance assessments prepared for WIPP, Yucca
19 Mountain, and other potential repositories in Sweden,

20 Japan, and Switzerland, and it is my conclusion that
21 the WIPP performance assessment meets the very high
22 standards set by the international repository
23 community, and that the site shows a very high
24 likelihood of complying with the extremely stringent
25 requirements set forth in the EPA standards. I urge

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1 the EPA to proceed with all due speed to complete its
2 evaluation and certify WIPP so that the waste for which
3 it was constructed can be removed from the vulnerable
4 above-ground locations they now occupy.

5 During the time I worked on Yucca Mountain, I
6 had the opportunity to attend a number of workshops on
7 the EPA standards for disposal of high-level waste and
8 spent nuclear fuel, which had been remanded at that
9 time. These workshops were attended by representatives
10 of the DOE, the NRC, the EPA, as well as contractors,
11 national laboratories, state agencies, and
12 environmental groups.

13 At one of those workshops a former employee
14 of one state agency, formerly employed by the Natural
15 Resources Defense Council, criticized the Department of
16 Energy for focusing solely on compliance rather than
17 attempting to take a scientific approach to defining
18 safety. In the same session, a lawyer who had been
19 responsible for the remanding of the EPA regulations

20 pointed out to the many technical experts present that
21 the regulations were not simply a technical document,
22 they also were conditioned by legal, as well as
23 political, considerations. This was appropriate, as
24 the regulations must be enforceable legally, and must
25 meet the objectives of the public in whose name the

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1 regulations are generated.

2 This lawyer further made clear that even if
3 technical evaluation suggested that revision of the
4 regulations ought to include relaxation of the
5 requirements, as recommended by EPA's own Science
6 Advisory Board, any attempt on DOE's part to press for
7 relaxation would be resisted through legal means on
8 political grounds. In combination, these
9 pronouncements made it clear that for the most vocal
10 environmental group present a scientific answer was
11 required, but that only one technical answer would be
12 considered politically correct.

13 Interestingly enough, that lawyer, Dan
14 Reicher, is currently the DOE Environmental Executive.
15 Given that he has not advocated withdrawal of the
16 Department's application for certification of WIPP, it
17 would appear that he considers it time to proceed with
18 the regulatory process and to end the costly political
19 and legal delays which have frustrated efforts to open

20 WIPP for so long.

21 My work in repository siting has also given
22 me a wide variety of opportunities to examine the
23 efforts of numerous individuals and organizations who
24 do wish to stop or delay characterization, licensing,
25 and operation of deep geologic repositories for nuclear

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1 wastes.

2 A moderate number of thoughtful technical
3 criticisms have been put forward, many of which have
4 been subsequently addressed by characterization and
5 analysis. Unfortunately, a great deal of the criticism
6 has not been so thoughtful or so well posed
7 technically. Indeed, it has commonly been
8 characterized by some or all of the following tactics:

9 Repetition of refuted arguments, as if they
10 had never been refuted;

11 demands for "absolute" or complete proof
12 before acceptance;

13 attacks on the opponent's case without
14 presenting a testable alternative;

15 distortion of opponents' arguments;

16 profuse citation of documentation without
17 distinguishing between qualified and unqualified
18 sources;

19 caricaturing the opponent's position to make

20 it look ridiculous;

21 demagogic appeal to emotion rather than

22 reason. Any time you hear reference to Auschwitz of

23 Dachau in these hearings, you can be reasonably sure it

24 is an example of this tactic;

25 the book Science on Trial: The case for

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1 Evolution which poses arguments used by so-called
2 creation scientists to argue their case.

3 As with the Evolution/Creation controversy, a
4 very wide scientific consensus of people actively
5 engaged in finding pragmatic solutions to an existing
6 question is being frustrated by vocal activists without
7 a cogent technical case or a reasonable alternative,
8 and the American public has sometimes responded
9 favorably to the anti-repository view because the
10 fringe groups have effectively politicized the
11 discussion, drawing on the same populist themes that
12 have put Creation Science into too many classrooms in
13 this state and the nation. These environmental
14 fundamentalists are unswayed by technical discussions
15 of any kind because, as mentioned above, only one
16 answer is considered acceptable.

17 The time has come to ignore the political
18 element which Mr. Reicher made clear was vital to the
19 creation of the regulations, a process which had to

20 balance the constraints of science, the law, and the
21 popular will. The result satisfied the advocates of
22 none of the three, I suppose. The Certification of
23 Compliance of the Waste Isolation Pilot Plant with
24 those regulations is, however, a matter for technical
25 evaluation and legal, that is regulatory, analysis

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1 only.

2 I'd like to quote our Secretary of State
3 Madeleine Albright, in a commencement address she made
4 at my Alma Mater in commemoration of the announcement
5 at that same institution of the Marshall Plan to
6 reconstruct Europe and the European economy.

7 She said: There is no certain roadmap to
8 success, either for individuals or for
9 generations. Ultimately, it is a matter of
10 judgment, a question of choice. In making that
11 choice, let us remember that there is not a page
12 of American history of which we are proud that was
13 authored by a chronic complainer or prophet of
14 despair. We are doers.

15 The challenge she lays out is, of course,
16 broader than that facing the EPA regarding WIPP;
17 however, I think the underlying message is applicable.
18 The best way to meet her challenge is to move ahead to
19 be the first nation to dispose of this legacy of the

20 Cold War in the way recommended by the international
21 scientific community: To accept, with whatever
22 conditions are warranted by the technical and
23 regulatory issues you identify, the Application of the
24 DOE for Certification of the Waste Isolation Pilot
25 Plant, and to set aside the political assertions of

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1 those whose purpose is simply to continue to delay the
2 "doing" that is truly an American signature.

3 Thank you very much.

4 MR. WILSON: Thank you.

5 Next, Michael Collins. Michael Collins.

6 Is Michael Collins not here?

7 (Note: No response.)

8 Audrey Curry? Hi.

9 MS. CURRY: I have come to speak tonight
10 because of my concern regarding the WIPP project.

11 What are my qualifications?

12 MR. WILSON: Could you maybe stand a little
13 closer to the microphone so everybody could hear?

14 MS. CURRY: Sure.

15 What are my qualifications? Well, I am
16 neither a scientist nor a politician, but I am also not
17 a radical Luddite who responds to the complexities of
18 the world by opposing progress. I'm an educated
19 citizen, voter, taxpayer, home and business owner, who

20 would like to see our community and state remain a safe
21 place to live, work and raise a family.

22 Economically, the transportation of
23 radioactive and other toxic waste through Santa Fe is a
24 devastating proposition. Property values have already
25 dropped along the WIPP route before it opened, and an

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1 accident would cripple the entire real estate market,
2 resulting in the loss of millions of dollars.

3 Tourism, which is another source of income
4 which Santa Fe depends on, would seriously dwindle in
5 the event of a radioactive release from a TRUpact
6 container, resulting in the loss of jobs and business.

7 Is this realistic? Well, when the Valdez
8 spilled oil in the water off Alaska, tourism dropped by
9 80 percent.

10 I already know many people who would move
11 from Santa Fe rather than live with the dangers of
12 radioactive waste being transported through town.

13 Years ago the DOE did a study which reported
14 that if the TRUpact containers were transported by
15 train it would be 70 percent safer than by truck,
16 partially because it would avoid more populated areas,
17 yet they choose to transport the waste by truck.

18 The Department of Energy's record of
19 radioactive waste handling is far from inspiring.

20 Every site the DOE has managed has severely
21 contaminated the surrounding communities' water, air,
22 and soil, and unnecessarily exposed millions of people
23 to radiation over the years. It is a matter of public
24 record that at Rocky Flats several years ago the DOE
25 was found in violation of 25 regulations. They were

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1 illegally burning radioactive waste at night, releasing
2 radioactivity into the air, as well as also dumping
3 into the local reservoir, which contaminated the water
4 supply of the people living in the area.

5 It's hard to imagine the DOE would handle the
6 public's safety with such flagrant disregard, but
7 examples like this have been the rule not the
8 exception.

9 I think it is more than a coincidence that
10 the American Cancer Society recently released
11 statistics stating one out of every two Americans will
12 develop cancer. I find it hard to believe the sharp
13 increase in cancer in Americans over the years is not
14 at least partially related to the decades of
15 radioactive exposure the DOE has subjected Americans
16 to.

17 The DOE is a powerful military agency, and
18 it's difficult to win against them. They feel their
19 development of nuclear waste is justified to protect

20 our national security.

21 I'm just a little nervous.

22 MR. WILSON: You're doing fine.

23 MS. CURRY: Thank you.

24 But I feel that my wellbeing is in more

25 danger from the DOE than any foreign threat.

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1 I believe in job security, but not at the
2 expense of our own safety, health and economy. Isn't
3 that what the military is supposed to protect? But in
4 the name of their own job security and so they can
5 continue getting funding from Congress, the DOE will
6 sacrifice its own citizens, these same citizens
7 whose taxes pay for their very existence. It's time to
8 stop. We can have a strong military without
9 sacrificing a healthy environment in which to live.

10 Didn't our founding fathers set up a
11 government to be by the people and for the people? The
12 majority of the people do not want the WIPP, yet we are
13 getting it shoved had our throats, regardless of
14 overwhelming evidence that it is not safe.

15 The Environmental Protection Agency should
16 not only set strict safety measures but also closely
17 regulate the action of the DOE.

18 I hope the EPA will review their priorities
19 and do what their name suggests they do: Protect.

20 Protect the citizens of this nation from the hazards of
21 radioactivity and the other toxic waste that will be
22 transported to the WIPP site.

23 MR. WILSON: Thank you very much for your
24 testimony.

25 I understand Michael Collins is here now. Is

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1 that correct?

2 MR. COLLINS: Yes.

3 MR. WILSON: Good evening.

4 MR. COLLINS: Good evening.

5 My name is Michael -- Can I move this?

6 MR. WILSON: Sure.

7 MR. COLLINS: Excuse me. I was having a

8 little computer trouble. Actually, it was the

9 operator.

10 My name is Michael Collins. I would like to

11 begin by extending greeting and a welcome to the folks

12 from our federal government, EPA, DOE and their

13 contractors.

14 Let me just settle down. I'm a little

15 nervous. I ran over.

16 I work for the state government at the

17 Children, Youth and Families Department in Santa Fe,

18 although I'm not representing any organization. I am a

19 state council member of the Green Party of New Mexico.

20 If you would like to know more about it, the local

21 phone numbers is GREEN A1.

22 I trust it is understood that nothing I say,

23 or maybe I should qualify that, nothing I say is

24 directed personally against any of you. However, that

25 said, this is all very personal, about as personal as

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1 you can get, dealing with our air, earth and water, our
2 skin, lungs, thyroids, our fundamental chromosomes, our
3 children. Yours, too, and their kids and
4 greatgrandchildren to the Nth degree. Genetic damage is
5 pretty permanent.

6 That is why we are very angry and outraged.
7 It is insane that we are talking potential major toxic
8 hazards so calmly, as if we were simply discussing some
9 federal rules and regulations that were promulgated
10 with a little deadline to submit comments.

11 We are facing a deadline. Nature's. Mother
12 Earth and her inhabitants can only take so much abuse.

13 WIPP might happen, basically against the will
14 of the people of New Mexico. We have never had the
15 democratic opportunity to vote up or down on the issue.
16 New Mexico and Nevada, the Southwest in general have
17 been designated as national sacrifice zones, apparently
18 because -- apparently because there are open spaces and
19 relatively small populations. Hopefully, not because

20 there are large numbers of Hispanics and Native
21 Americans that are treated as second class citizens or
22 Third World countries.
23 We have repeatedly expressed to the DOE, EPA,
24 LANL, the State Environment Department, the State
25 Highway Department and others why WIPP is unsound and

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1 why the DOE or Atomic Energy Commission has proven over
2 the past 60 years that it is unqualified to operate
3 such a dangerous operation safely.

4 What is DOE's record regarding environmental
5 reviews? What proof has been provided to the EPA that
6 the Carlsbad site will not become just one more of the
7 100-plus contaminated sites of the AEC, aka DOE? Is
8 the record of the DOE such that the American people can
9 feel safe around its projects, vehicles, or containers
10 exposed to high-speed traffic through New Mexico and
11 some 20 other states en route to Southern New Mexico?

12 The emergency preparedness is not adequate
13 throughout the country or in our state. Please check
14 it.

15 Has the WIPP contractor Westinghouse, or any
16 other DOE or Department of Defense contractor, ever
17 experienced radioactive accidents, or have they ever
18 been cited by the EPA, the Nuclear Regulatory
19 Commission, the GAO, or any of the other regulatory

20 entities?

21 Please check the health and safety records of
22 DOE, Westinghouse, and any other WIPP-related
23 contractors, including trucking companies to be used,
24 security, emergency response teams at the site and on
25 the national route, and check all vendors.

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1 Is WIPP the safest, best science we have?
2 Could irreparable harm be done to New Mexico, Texas,
3 and Mexico, or beyond, forever affecting future use?

4 Water flows within the earth, as you know,
5 like blood in the arteries of a living organism. It
6 is.

7 Is the EPA, a relatively small, underfunded
8 agency, being pressured by DOE, a large, well-funded
9 one?

10 Americans are relying on EPA to be the
11 citizens' watchdog, as well as the government's, to
12 safeguard the health of our families, our children, and
13 the environment.

14 When visiting the WIPP site it appears
15 relatively isolated, even from Carlsbad or the Pecos
16 River. My understanding is plutonium once loose cannot
17 easily be retrieved.

18 Logic would dictate that before man spends --
19 over a billion dollars were expended of taxpayers'

20 money, yours and mine, EPA would have been an initial
21 consultant for the certification of the plan to meet
22 standards.
23 I respect the integrity of the EPA and its
24 scientists, although we would like to know who
25 evaluated WIPP. I cannot believe that DOE can expect a

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1 rubber stamp from EPA and its scientists if it is

2 not --

3 MR. WILSON: Your time is up, but if you

4 could finish...

5 MR. COLLINS: Thanks. I appreciate that.

6 MR. WILSON: Thank you.

7 MR. COLLINS: Like a friend once said, "I

8 didn't know when we had free speech, it was only five

9 minutes."

10 MR. WILSON: You do have a statement. We

11 will be happy to put the whole statement in the record.

12 MR. COLLINS: I'll give it to you, for sure.

13 MR. WILSON: Good.

14 MR. COLLINS: -- if it is not truly -- I

15 cannot believe that DOE can expect a rubber stamp from

16 EPA and its scientists if it is not truly meeting the

17 health and safety standards. I trust the standards

18 have not been weakened to accommodate DOE. Like I

19 said, this is not personal.

20 I implore you before making a final decision,
21 please use caution. Opening WIPP could probably set a
22 precedent for the irretrievable burying of nuclear
23 waste in the U.S. and abroad.
24 We expect you to be no less than honorable
25 with New Mexico.

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1 I do not like division among people. There
2 does not have to be an "us or them" approach, or "good
3 guy/bad guy." We all have too much to do in our life to
4 continue to be divisive and quarrelsome.

5 You are our sisters and brothers, not the
6 anonymous "they" from inside the beltway, or in days
7 past from King George III, "the oppressors."

8 I've got a lot more to ask you about the
9 recent earthquakes, sociopolitical changes in the next
10 10,000 years, everything else that is going to happen
11 in the next 10,000 years.

12 I'll submit a revised version of this, but
13 here it is for now.

14 I'd like to submit The Reporter article
15 recently, if it hasn't been submitted for the record.

16 MR. WILSON: Okay. We will be happy to have
17 that.

18 MR. COLLINS: And the press clipping.

19 MR. WILSON: Okay. Thank you for your

20 testimony.

21 By the way, if you or anybody else has
22 written testimony, if it's your only copy, if you want
23 to write the name and address on it, the reporter will
24 make sure to get it back to you.

25 So that is another little option for

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1 everybody.

2 Next is Tim Curry.

3 MR. CURRY: Good evening. My name is Tim
4 Curry, and I'm representing Design Solutions, which is
5 an organization of builders and general contractors.

6 I want to thank you now for the opportunity
7 to address you about these issues which I think are so
8 critical to the community of Santa Fe and the State of
9 New Mexico.

10 I have to admit that I find it fascinating
11 that we are all here again at yet another hearing to
12 decide the fate of the WIPP plant. After so many years
13 of meetings, and so much work to point out the faults
14 of the WIPP project, I think it would be safe to ask
15 whether these have been hearings or hard of
16 hearings. So many of the questions we have asked have
17 gone unanswered, and so many of the safety issues we
18 have raised have been ignored. Sometimes it just seems
19 like nobody is listening.

20 So if you can hear me, please let me know by

21 raising your hand.

22 Thank you.

23 There's one aspect of this whole problem that

24 I'd like to address. And it just runs with me all the

25 time, and it's really an issue; and that is, whether or

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1 not we are using any common sense at all when we're
2 looking at this whole problem. Where is the common
3 sense that is so vitally needed when we're dealing with
4 toxic waste that is going to be a threat to all of
5 humanity for thousands of years? Where is this common
6 sense? It seems like it's in short supply.

7 So I'd like to ask a few questions about the
8 common sense of this project.

9 Was anyone exercising any common sense when
10 it was decided that the best way to clean up existing
11 nuclear waste was to create a brand new site and
12 contaminate the ground there? In other words, does it
13 make any sense at all to take a non-nuclear site that
14 is free and clear of any contamination and destroy that
15 environment for the next few centuries to come? Does
16 it make sense to take an area that is already
17 radioactive and try to clean it up of every phase of
18 potentially harmful waste? Is it even possible to
19 accomplish such a task?

20 Will we ever really be able to clean up Rocky
21 Flats or Hanford so that it is actually safe for homes
22 or businesses? Isn't it true that the toxins, poisons,
23 radioactive waste will forever contaminate these sites?
24 Common sense and past experience tell us that
25 no matter what we're told, these areas will always be

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1 regarded with fear and concern regarding their true
2 status. No one will ever be able to work or live on
3 these sites without concern for their safety. The fact
4 is that the Rocky Flats site will never be a safe area
5 on which to construct homes or businesses and at the
6 Hanford site in Washington nuclear contaminants have
7 even been found in the water. We will spend millions
8 of dollars in an effort to minimize this damage, but
9 isn't it obvious there will never be a complete or
10 total clean up of this site or others?

11 The fact is there are dozens of sites across
12 the country that are already highly contaminated with
13 radioactive waste. Rocky Flats is dangerous, and it
14 will remain so, as will most, if not all, of the
15 other sites. Health authorities in these areas are
16 exercising their common sense and demanding that these
17 sites be cleaned up. And they should be cleaned up to
18 whatever extent is possible. But the point I wish to
19 make here is these sites are already contaminated,

20 already geographic sites that are loaded with problems.
21 Indeed, they are the nuclear children of the Love Canal
22 with a life span that is truly frightening. They will
23 remain unsafe for many generations to come. Surely
24 they must be cleaned up, but only to the extent that is
25 logically obtainable.

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1 So our common sense tell us these sites will
2 never be completely free of the contaminants found in
3 their soil, never truly safe; the best we can hope for
4 is containment or encapsulation of the pollutants
5 existing on these sites. The basic question I'm asking
6 is whether it really makes sense to move the waste from
7 one site that can never be totally cleaned up to
8 another site that will never be totally cleaned up. Is
9 this the best solution we can come up with? Create a
10 mess, move a mess, leave a mess behind?

11 This is the crux of my point, that the
12 decision to create a brand-new site is just a really
13 bad idea. It defies logic, and it's devoid of common
14 sense. It's a bad idea, bad science: Create a
15 brand-new site, a brand-new site where the basic design
16 principle is to create a site which we will never even
17 try to clean up.

18 Please explain this to me. You want to
19 create a site containing the most poisonous substances

20 known to man, and you have no intention of cleaning it

21 up.

22 Is this a "hearing" or a "hard of hearing?"

23 Is anyone listening? Because this is an exceptionally

24 bad design concept.

25 As a builder, I would submit this is quite

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1 possibly the pinnacle of ignorance in logic design.
2 Where is the logic to create a site where the waste
3 will not be accessible for clean up when it's complete?
4 Is anyone looking to the future?
5 The problems with this site are well
6 documented. No one can prove the safety of this site
7 on a long-term basis. No one can prove that the waste
8 will not migrate into the water table at some future
9 date.
10 The issues involved in transportation of the
11 waste are another issue altogether, a different issue
12 that has, unfortunately, been addressed with the same
13 lack of common sense and pursued without the necessary
14 proof of safety issues. In the absence of such proof,
15 I ask what plan the scientists have done to determine
16 the waste will be contained if it does start to
17 migrate? What contingencies are in place for what
18 eventual problems?
19 Have plans been made? Are we to assume it is

20 impossible there will never be a problem of any kind at
21 the site?

22 MR. WILSON: Mr. Curry, your time is up, so
23 if you could finish.

24 MR. CURRY: Do I have ten minutes? That is
25 my understanding. Because I'm representing an

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1 organization, I will have ten minutes. That's what I
2 requested.

3 MR. WILSON: I had you down for five minutes,
4 so I don't know what the agreement is. How much time
5 do you need to finish?

6 MR. CURRY: I have allotted ten minutes. I
7 would like ten minutes.

8 MR. WILSON: Pardon? How much additional
9 time?

10 MR. CURRY: Approximately another five
11 minutes.

12 MR. WILSON: You're already a couple of
13 minutes over the five minutes, but go ahead and see if
14 you can finish.

15 MR. CURRY: Okay.

16 What I am saying is now is the time to
17 realize there is a fundamental problem with this whole
18 concept. Twelve months ago scientists were predicting
19 that the cloning of an animal might be possible in as

20 little as ten years, yet in yesterday's newspaper they

21 are talking about cloning a human in six months.

22 So the concept is that, you know, you're not

23 giving science -- you're not giving science the

24 potential to come up with a solution to this problem.

25 The problem that we have is that you're

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1 looking at putting this waste in a place where it's
2 buried and it will be inaccessible, and you are not
3 giving science a chance to come up with a solution to
4 this.

5 What I'm suggesting, what I'd like to say is
6 that this matters to the citizens of Santa Fe. It
7 matters that it's not safe to transport this through
8 the streets. It matters that the waste from the other
9 contaminated sites is being brought to New Mexico to
10 create this brand-new toxic waste site.

11 In conclusion, it appears that the WIPP site
12 project is based upon a hopelessly flawed concept of
13 design principles, and the decision to locate the
14 project on this particular site is also hopelessly
15 flawed, because no one can prove the waste will not
16 migrate. And this is something we have been asking for
17 over and over, proof that the site will actually
18 contain the waste.

19 Common sense tells us currently there's no

20 scientific way to prove the material can be contained
21 for thousands of years. How can this project be in
22 compliance with EPA codes when it does not conform to
23 basic tenets of common sense for environmental safety?
24 So what is the solution? For the present it
25 seems entirely logical to leave the waste where it is,

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1 secure it, store it, and fund the research necessary to
2 some day remove the risks involved in the disposal of
3 those toxic substances. Let's use common sense and
4 design storage facilities to contain the waste at the
5 same location where it's produced. Let's design
6 facilities that allow for secure storage of the
7 materials and allow for future retrieval and treatment
8 of the waste. In short, let's give the future of
9 science the option of developing a viable solution to
10 this issue. Store the waste at its point of
11 introduction into the environment wherever possible.
12 It's time to abandon the concept of creating new toxics
13 waste sites. We already have plenty of beauties we
14 cans use to store this stuff.

15 Thank you.

16 MR. WILSON: Thank you very much.

17 Next is John McCall.

18 MR. McCall: Good evening. Thanks for
19 another opportunity to speak to you again.

20 My name is John McCall, and I am an attorney.
21 I work in Albuquerque and Santa Fe. I am also a member
22 of the State Green Council for Bernalillo County, and
23 I'm also a member of the Association for Public
24 Interest Law. And our number is 256-7690. You may
25 want to write that down. We are the association that

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1 designed the lawsuit that stopped the welfare reform in
2 New Mexico. We are the association that enjoined
3 Medicaid Managed Care from abusing children in New
4 Mexico after they held a series of hearings similar to
5 this and then made a decision that was totally contrary
6 to the public interest.

7 So are people ready for a lawsuit?

8 Now, there is a way to avoid that, and you
9 hearing officers for the EPA hold that in your hands.

10 I realize you are under a tremendous amount
11 of pressure from the "representatives" quote/unquote,
12 from New Mexico, some of them, and one of them happens
13 to sit on the budget committee in Congress; however,
14 the excuse, "I was just following orders," does not
15 hold true in the 20th Century, and certainly not in the
16 21st Century.

17 So I ask you not to approve the WIPP site,
18 and not to approve DOE going forward with opening it.

19 I mentioned to you yesterday a couple of

20 things in litigation that has gone on before. One was
21 that the Court in 1992. U. S. District, 783 F. Supp.
22 628, found that "enhanced geotechnical monitoring
23 systems will provide at least six months of advanced
24 warning of roof falls and the safe retrieval of waste."
25 That is what the Defendant said in that case. And the

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1 Court said: "The report, however, shows there is a .cq
2 5 5 0
3 great likelihood that the waste proposed to be
4 emplaced in WIPP will not be retrievable after the
5 test stage."

6 We have already talked about that, and you
7 know that, so how can you put it down there in good
8 conscience in the first place?

9 Second we talked about passive institutional
10 controls and the fact it is impossible to communicate
11 with people 10,000 years in the future, as far as we
12 know, and the fact that the Constitution and the
13 Declaration of Independence of the United States
14 protects the life, liberty, and pursuit of happiness of
15 American citizens.

16 This is your duty. You have a duty to uphold
17 those documents. And if you think that any of these
18 scientists that have come before you or talked to you
19 about this -- they are the same scientists that put Los

20 Alamos on a volcano which, amazingly, there was magna
21 found on that volcano coming out the surface a couple
22 of years ago.

23 And you have already heard about the
24 earthquake.

25 So in New Mexico we are a little nervous

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1 about what you are doing to our environment here.

2 Finally, I would also note that the Court
3 discussed in State of New Mexico versus EPA, the
4 decision rendered June 6, 1997, 114, F32, 90, that they
5 discussed this issue of passive institutional controls,
6 and said: "Some argue any civilization 10,000 years
7 from now will be smart enough to understand such
8 markers, while others said the markers would be
9 ineffective within 500 years."

10 Probably some of you said they would be
11 ineffective within 500 years.

12 "The DOE/EPA conversation added no new data.
13 EPA's decision on passive institutional controls
14 is plainly unsustainable on the contested record.
15 The procedures claims are equally meritless."

16 That was found under the Chevron standard we
17 discussed yesterday, as well of Agency decision making.

18 But I'm asking you -- you have already
19 thought about this, EPA has already looked at this.

20 Look at it from a constitutional standard, look at it
21 from the standard that was used when this country was
22 founded. What were the people upset about? They were
23 upset about the kind of decision making that goes on
24 where you hold a hearing and then do the opposite of
25 what everybody wants you to do, except for a few

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1 scientists who happen to be paid 50- to \$75,000 a year,
2 and feel a great interest in telling you to do
3 something else.

4 So what we are asking you to do here tonight
5 to avoid a lawsuit is to preclude the opening of the
6 WIPP. You have that power. You are the guardians of
7 the environment here in United States. So, please,
8 exercise it. Otherwise -- well, we will pass laws in
9 our state saying you can't come down our roads --
10 although that's been found in the Supreme Court you
11 can't close the roads down. But we can certainly say
12 your trucks have to have a lot of specifications met,
13 or DOE's trucks have to have a lot of specifications
14 met that makes it very difficult to come through here.
15 We have the public health and safety in mind;
16 therefore, I think we could win that court case.

17 If you don't decide otherwise, we will end up
18 in court, and it's going to cost thousands and
19 thousands of dollars, temporary restraining orders, et

20 cetera.

21 So please, think about the future, think

22 about the taxpayers, and think about the people and the

23 environment in New Mexico.

24 MR. WILSON: Thank you Mr. McCall.

25 Next is Polly Roddick.

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1 MS. RODDICK: I live in Santa Fe, and I'll
2 keep it, brief because I've been doing this for years
3 and we are still hear.

4 Polly Roddick.

5 Dispassionate scientists tell us WIPP is a
6 political, not scientific, solution.

7 Because it comprises unstable salt beds,
8 nuclear waste there may pollute the water table;
9 therefore the only responsible answer is to leave the
10 nuclear waste where it is until we can transmute it.

11 Trucking nuclear waste over our crumbling
12 infrastructure risks an accident that could spill
13 plutonium and make the area where it's spilled
14 uninhabitable for 240,000 years. This is not
15 desirable.

16 Moreover, some younger scientists point out
17 that Western science has never proved, using its own
18 scientific method, that logic and reason are the only
19 route to knowledge. Western science accepts the

20 supremacy of logic and reason with an act of

21 fundamentalist faith. Such fundamentalism is not

22 adequate to address our nuclear waste problem.

23 The EPA needs to take a more open-minded and

24 ultimately wiser and holistic approach in order to heal

25 the insanity, the greed, the denial, the

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1 shortsightedness and the total disregard for our
2 children's future that wants to bring us WIPP.

3 MR. WILSON: Thank you for your testimony.

4 Next is Wendell Wearth.

5 Mr. Wearth.

6 MR. WEARTH: Good evening. It's once again
7 my pleasure to have the opportunity to present to the
8 EPA my personal views and convictions regarding the
9 Waste Isolation Pilot Plant and the pending
10 certification action which is the focus of this panel.

11 I thank the panel and EPA for devoting an
12 entire week to gathering all views on this important
13 project.

14 My name is Wendell Wearth. I'm presently a
15 Sandia National Laboratory Fellow. I've been
16 associated closely, in one way or the other, with WIPP
17 for about 24 years, something over 20 years as project
18 manager for the scientific programs.

19 I am not going to address all of the detailed

20 science that has shown the WIPP to be a safe and robust
21 repository tonight. Tens of thousands of pages of
22 documentation adequately present that argument. I
23 will, however, summarize two or three issues about
24 which I feel particularly strong.

25 First is that the geologic and hydrologic

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1 studies have conclusively shown that the WIPP
2 repository will not be breached by any natural process
3 for times far in excess of 10,000 years. The
4 hydrologic regime is well understood and will act as an
5 effective barrier if human intrusions inject
6 radioactivity into the overlying aquifer.

7 The WIPP site is not necessarily the perfect
8 site. There may not be such a site anywhere, because
9 someone will always claim that it has problems. I
10 think, however, that our studies have shown that it is
11 very acceptable and robust site, and a site that has
12 been the subject of envy of all the other international
13 waste repository programs.

14 I'd also like to comment that the shaft seals
15 and the natural salt creep assure that the only
16 potential for release of radioactivity from WIPP will
17 be through human intrusion into the actual waste areas
18 at some time in the distant future. Salt creep assures
19 that waste will be entombed over 2,000 feet deep in a

- 20 cocoon of solid salt, isolated from contact with mobile
21 water and from the biosphere.
22 Finally, the extensive and detailed
23 calculations using conservative models and model
24 parameters to examine the consequences of human
25 intrusion so that radioactive releases, even from

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1 repeated direct penetration into the waste, will be
2 well below EPA criteria and will present no health and
3 safety issues. Assurance measures, such as robust panel
4 seals and magnesium oxide backfill, add additional
5 conservatism to predicted releases.

6 So why the controversy over WIPP? Why the
7 inordinate delay in using the facility to improve the
8 radioactive waste safety in this nation?

9 The public, of course, is uncertain and can
10 be misled when so much of the opposition's rhetoric is
11 an emotional plea to the presumed specter of
12 radioactive disaster.

13 The risk of WIPP in all its aspects are far
14 less than for many commonly accepted, everyday
15 activities.

16 So what and who does the public believe?
17 What do we do about the problem of the diversity of
18 views you've heard here tonight?

19 On the one side, we have the scientists who

20 have worked on the project; on the other side, the
21 opposition.

22 I would submit that the public and the EPA,
23 if they have not resolved this with their own analysis,
24 look to the independent reviews that have been
25 conducted on the WIPP. The National Academy of

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1 Sciences - WIPP panel, and numerous national and
2 international expert panels have examined the science
3 and assessment of WIPP safety, and all support the
4 position taken in the Certification Application.

5 EPA has also undertaken their own reviews and
6 analyses. Even when EPA expanded the conservatism of
7 the DOE's modeling and model parameters, the WIPP
8 proved to be so robust in its isolation of the
9 radioactive waste that the calculated releases were
10 well still within the limits of the standards.

11 The time has come for EPA to finally
12 recognize the scientific consensus and to determine
13 with their Final Rule that the WIPP can be operated
14 safely within the bounds of their regulation. No
15 useful scientific purpose can be served by continuing
16 to give credence and endless study to so-called new
17 issues conceived by opponents desperately seeking to
18 find ways to delay WIPP under the pretext of
19 questioning its safety.

20 Examples of such issues most recently floated
21 are air drilling, and haggling over the precise
22 functioning of magnesium oxide backfill. Neither issue
23 is of a nature to warrant inclusion by the EPA as a
24 condition in the final rule. Even if such studies were
25 included, the data exists and are documented to a

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1 degree sufficient to show the issues would not
2 compromise WIPP compliance.

3 In conclusion, I would like to compliment the
4 EPA on the monumental task they have accomplished in
5 reviewing the Compliance Application. I can support
6 the conditions they have taken in the Preliminary Rule
7 as providing additional public confidence, although I
8 believe they will not materially enhance long-term
9 performance. In light of the broad, independent
10 scientific support of the WIPP and a consensus that it
11 will be safe for more than 10,000 years, I would urge
12 the EPA to find WIPP in compliance and promulgate a
13 final rule without any further conditions. Delay will
14 not increase the safety of WIPP. Delay will diminish
15 safety for areas where waste now exists. Delay will
16 incur useless cost, and delay will cast doubt
17 nationally and internationally on the ability and
18 fortitude of this nation to do what is clearly the
19 right thing to do.

20 Thank you.

21 MR. WILSON: Thank you, Mr. Wearth.

22 Next is Priscilla Logan.

23 MS. LOGAN: Good evening. My name is

24 Priscilla Logan. I'm a teacher in the Santa Fe Public

25 Schools, and I've been an elementary teacher here in

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1 Santa Fe for 23 years. We met before. I have been
2 continually speaking what I feel comes from my heart
3 and my concerns about WIPP.

4 One very large concern that I have is that
5 the way that the WIPP is planning on delivering the
6 radioactivity to the site is through cities and towns,
7 through cities and towns that have school children,
8 through cities and towns that have people like you
9 and I. The kinds of problems that would happen if the
10 WIPP truck came through Santa Fe and came across one of
11 the most difficult and most dangerous sites in New
12 Mexico, the intersection of --

13 MR. WILSON: Ms. Logan, why don't you hang
14 on. We are getting a lot of noise from the outside. I
15 want to make sure everybody can hear you.

16 MS. LOGAN: Thank you.

17 MR. WILSON: Okay.

18 MS. LOGAN: The intersection of Cerillos Road
19 and St. Francis is not only a very busy intersection of

20 two different streets, but it's also an intersection
21 where a railroad comes through. That's where the WIPP
22 trucks are planned, because we haven't gotten around to
23 building the Richards Bypass.
24 So even if we were going to a safe site, we
25 are going through an area that is extremely dangerous.

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1 And there's two elementary schools within two blocks of
2 that area. That's a real concern of mine.

3 And I don't think it's just Santa Fe, New
4 Mexico that has that problem. I think there are other
5 cities and other towns that aren't aware of the WIPP
6 trucks going to be going through their communities.

7 So when they arrive at the WIPP site in
8 Carlsbad, what are they putting the radioactivity into?
9 I'm aware that you have made certain safety standards
10 that need to be met by WIPP, and I'm also aware that
11 many of those safety standards cost a lot of money and
12 take a lot of time. And I'm also aware that some of
13 those safety standards, so that we can quickly put the
14 radioactivity into the site are being sort of put to
15 the side.

16 As an elementary school teacher, we set up
17 standards and we live by them so that we can all get to
18 wherever we are going and get there in one piece. I
19 don't understand why we're taking all these shortcuts.

20 And, yes, it's taking a lot of time, but I think you

21 and I and our children are worth it.

22 Thank you.

23 MR. WILSON: Thank you.

24 Next is John Dendahl.

25 MR. DENDAHL: Mr. Wilson and your colleagues,

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1 I am John Dendahl, a native of Santa Fe, and my
2 education includes Bachelor's degrees in electrical
3 engineering and business administration.

4 My business and government experience
5 includes service as Secretary of Economic Development
6 and Tourism for the State of New Mexico, as well as
7 Chief Executive Officer of Eberline Instrument
8 Corporation, also in Santa Fe. Eberline designs and
9 manufactures instruments and systems used to detect and
10 monitor ionizing radiation, and also performs a variety
11 of analytical and consulting services associated with
12 radioactive materials in work and
13 natural environments, and protection of people by
14 minimizing their exposures.

15 Eberline is among the leading companies in
16 the world in that business, especially including its
17 expertise related to plutonium.

18 I have periodically furnished testimony at
19 hearings addressing WIPP for about 23 years. These

20 have included hearings in Congress, the New Mexico
21 legislature, and a number similar to that being held
22 this evening.

23 As a taxpayer, I'm outraged that this project
24 was not in full operation long ago. That it remains
25 unopened is, in my view, a triumph of foolishness over

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1 common sense.

2 I would like to share an anecdote.

3 The Department of Energy pays for a watchdog
4 organization in New Mexico, operating without
5 accountability to anyone, as far as I can see, called
6 the Environmental Evaluation Group, or EEG. One
7 evening an EEG staff member made a presentation to the
8 local chapter of the American Nuclear Society. Among
9 this gentleman's reported recent activities was a week
10 he had spent in Washington D.C. pondering the
11 likelihood of WIPP being breached during the next
12 10,000 years. Before announcing any conclusion, he
13 changed the subject and moved on to something else.

14 During the question period, I asked what the
15 consequences would be if, in fact, someone put a drill
16 through WIPP sometime during the next 10,000 years. He
17 thought a moment and replied: Not much.

18 I believe that pretty well sums up the
19 consequences of each and every scary "what if" conjured

20 up by some of the legions of parties asking, "What

21 if..."

22 Not much.

23 The adjective "safe" generally has meaning

24 only generally in the relative sense; that is,

25 safe compared to what? However, as that adjective has

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1 been applied to the WIPP and associated materials
2 packaging and transportation, it seems to be given its
3 literal meaning. An important example is this
4 Congressional District's former representative Bill
5 Richardson, whose standard endorsement was, "I'm for
6 WIPP as long as it's 100 percent safe."

7 There is, of course, no such thing as 100
8 percent safe. However, the extreme measures taken to
9 assure safety in the entire WIPP system seem
10 unprecedented when considered in comparison to other
11 risks.

12 I commend the EPA for having concluded
13 subject to these final hearings that operation of WIPP
14 should commence. It's long past time to stop trying to
15 count the angels who can dance on the head of a pin.

16 Thank you.

17 MR. WILSON: At this point I wanted to check.

18 Is Richard Palosi here?

19 (Note: No response.)

20 Okay. Next is Stanley Tenorio.
21 Oops. Here he comes.
22 MR. TENORIO: Good evening.
23 MR. WILSON: Good evening.
24 MR. TENORIO: My name is Stanley Tenorio.
25 I'm a member of the San Felipe Tribal Council, but I

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1 wish to emphasize that I am speaking for myself on this
2 matter.

3 I have heard the fantasies of fear being
4 spread by forces opposed to the opening of WIPP: The
5 imagined accidents that await the heavily monitored and
6 guarded trucks heading out of Los Alamos for Carlsbad
7 with their loads of transuranic waste; the imagined
8 ruptures of the ultra-safe containers designed to hold
9 that waste; the imagined geological disaster in the
10 WIPP salt beds in the millennia to come.

11 I also have heard of the very real dangers
12 posed by the continued storage of the waste at Los
13 Alamos National Laboratory. I have heard of the very
14 real dangers in the integrity of that storage,
15 sometimes above ground, sometimes in wooden containers,
16 sometimes under the flimsy shelter of tents, and
17 sometimes in leaky and deteriorated barrels, which
18 could be breached by a fire, by a storm, by a wind, by
19 any of the many fearful forces of nature that abound in

20 this wonderful land of ours.

21 I have heard of the very real finding of

22 radioactive materials that have contaminated sediment

23 at Cochiti Lake, the lake that supplies crucial waters

24 to my Pueblo further downstream. I have heard of the

25 very real contamination by deadly plutonium of the

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1 beautiful Columbia River along the Oregon and
2 Washington border, plutonium that has leaked out of the
3 tanks into the ground of the Hanford Nuclear
4 Reservation in the State of Washington, and from there
5 into the river.

6 I know that that can happen here to the Rio
7 Grande river, the river on which so many of us depend
8 for domestic, agricultural, and religious use.

9 My people already have many wonderful,
10 imaginative folks tales. We don't need any more. I
11 urge the EPA to ignore the imagined dangers set forth
12 by the WIPP opponents and to pay attention to the real
13 ones. If WIPP must happen, then do it responsibly,
14 keeping in mind our citizens, the safety and health of
15 our people.

16 And I thank you for listening to me.

17 MR. WILSON: I thank you for coming tonight.

18 Next is Susan Halford. Yes.

19 MS. BACA: I'm speaking in Susan Halford's

20 place.

21 MR. WILSON: Okay. Please come up.

22 MS. BACA: Good evening. My name is Dolores

23 Baca, and I represent the community of La Bajada.

24 Our irrigation system in La Bajada provides

25 water to more than 75 acres, to the farms, to the

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1 people of La Bajada to use to grow their own food. We
2 are not a rich community. We farm and grow because it
3 is how we feed our children and ourselves, and the
4 water we depend on to keep our crops and ourselves
5 alive comes from and flows through areas in the
6 immediate vicinity of the Los Alamos labs, areas where
7 radioactive waste has, for 50 years, been stored in
8 shallow trenches or temporary containers.

9 It is important, I think, for the people who
10 oppose WIPP to understand a very simple fact: The
11 people of the La Bajada community, people who I
12 personally know, do not have the luxury to spend time
13 imagining the danger when sometime in the future some
14 hypothetical accident on an unknown highway, or en
15 route to Carlsbad, fractures a containment vessel and
16 releases radioactivity.

17 No, we cannot spend our time worrying about
18 the imaginary dangers. In our world, real radioactive
19 waste is buried in real shallow trenches, in real

20 proximity to the water we use on real crops. We do not
21 have the luxury to imagine future danger, we must worry
22 about today's threat.

23 The truth is we live on the edge of a
24 radioactive waste dump. That is not a fancy way to put
25 it, but it's the truth. We live there because our

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1 families have lived there for many, many years, because
2 it is our land, because we can afford to live there.
3 We were not asked if the land next to ours could be
4 made into a radioactive waste dump, we were not told it
5 was happening, but now when our government finally
6 admits to the danger we are in and takes the steps to
7 make us safer, some people with the luxury of distance,
8 the luxury of time, want to argue over imagined visions
9 of doom in their neighborhoods, while we continue to
10 live in the shadow of real disaster in our
11 neighborhood.

12 For the opponents of WIPP there are many
13 issues. They imagine the dangers of moving the
14 radioactive waste, they imagine the danger of storing
15 the waste half a mile beneath the surface of the earth,
16 they imagine the dangers the radioactive waste stored
17 half a mile beneath the earth's surfaces represents to
18 the future.

19 Well, I thank the Department of Energy for

20 holding these hearings at a time that working people
21 can make a comment, because we, the working people of
22 the community of La Bajada, do not have to imagine
23 future dangers. We live with the present danger just
24 across our property lines. We live with waste buried
25 in shallow trenches in the immediate vicinity of our

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1 watershed every day of our lives.

2 We think the people who oppose WIPP and our
3 government should think about that, and we ask them to
4 think about us: Real people whose water, whose
5 livelihoods, whose lives are threatened by real
6 radioactive waste in the here and the now.

7 Thank you.

8 MR. WILSON: Thank you.

9 Next is Amy Manning.

10 MS. MANNING: Good evening, and thank you for
11 taking the time to hear me out on this very important
12 matter of EPA certification for WIPP.

13 My name is Amy Manning. I'm a City Councilor
14 and the chair of the Public Safety Committee of the
15 City of Santa Fe City Council.

16 Some months ago a citizen and city staff task
17 force was created by city resolution to study proposals
18 for establishing a Waste Isolation Pilot Plant route
19 for shipment of the dangerous waste brought from Los

- 20 Alamos National Laboratories to the WIPP underground
- 21 burial site near Carlsbad.
- 22 Specifically, the task force was asked to
- 23 explore Santa Fe's options to the transportation of
- 24 WIPP waste along St. Francis Drive, to work to secure
- 25 the necessary funding for the construction of a safe

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1 Santa Fe relief route, and to report to my committee,
2 which, in turn, would study the task force report and
3 make recommendations to the full City Council.

4 The task force of nine people, four of them
5 city administrators, held eight meetings between March
6 18 and June 18 of this year, and produced a report that
7 led eventually to the City Council approval of a waste
8 route with certain restrictions.

9 Permit me now to make certain observations,
10 although they are personal, but in light of that
11 decision we did make some personal observations.

12 Please note that the dominant elements of my
13 committee is the public safety. That was our only
14 concern: A search for a solution that would minimize or
15 even eliminate any danger to the public at large in
16 this region and in the city.

17 That danger is obvious. It is the vast
18 amount of nuclear waste stored, if that is the word, in
19 a variety of ways in and around Los Alamos

20 Laboratories. There are legitimate concerns about the
21 safety of that stored waste and the threat that it
22 poses for those of us who live in this area. We can't
23 wish that danger away. It was created decades ago with
24 the arrival of the nuclear age. Debating the merits of
25 its existence is futile. It's there. The only useful

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1 discussion must be what to do about it and where to
2 move it.

3 So now we come to a balancing act. There are
4 a variety of conflicting concerns about the wastes, all
5 of them legitimate and all of them deserving of
6 balanced consideration. We also must balance our
7 decision on those concerns, but most of all we must
8 balance what we think about this nuclear waste with
9 what we must do to protect public safety.

10 As for contending elements, there are at
11 least four.

12 There are those who believe the waste must be
13 shipped from Los Alamos to WIPP no matter what;

14 those who believe that no shipments of waste
15 should come through Santa Fe;

16 those who believe there should be no
17 shipments at all, on the theory that technology will
18 catch up with the hazards and find a way to neutralize
19 the waste on site;

20 and four, those who contend that WIPP must be
21 opened, and contend that under federal law we cannot
22 stop shipments on a federal highway, St. Francis Drive,
23 for example, regardless of our concerns, and that our
24 only responsible and reasonable alternative is to
25 endorse the opening of WIPP and the safest possible

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1 methods for transporting material to WIPP.

2 I number myself among those. I am convinced
3 that a vast number of people in this area want the
4 waste removed to WIPP. I am convinced that the U. S.
5 Department of Energy and the EPA are committed to
6 reason, not politics. I am convinced that we should
7 not spend time discussing the merits of deep burial of
8 the waste, in as much as all available scientific
9 studies have established that as the current ultimate
10 in methods of handling waste of this type.

11 And lastly, I am convinced that reasonable
12 people can reach rational conclusions in this matter.

13 Thank you.

14 MR. WILSON: Thank you.

15 Next is Michael Dempsey.

16 MR. DEMPSEY: Good evening. That's a prepared
17 statement. I'm going to stray.

18 My name is Mike Dempsey. I've been coming to
19 these meetings since '89.

20 Let me say first, I want the WIPP site to
21 open desperately. I worked there for two years, '92 to
22 '94. Now I work at Los Alamos at the plutonium
23 facility. I wrote the current procedure for doing
24 radiological surveys on the WIPP drums. Also, I pack
25 WIPP drums every day. There is really not that much in

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1 them. I wouldn't want one in my bedroom, but it's not
2 that bad of material in there. It really isn't. It's
3 contact-handled waste that is in there. I will say a
4 quarter of it is gloves, lead-lined gloves from glove
5 boxes, a lot of pipes, crucibles, electrical conduits,
6 insulation, those types of things. It's not a lot of
7 real bad stuff, and I see it every day. Okay.

8 And I have those prepared comments, but I'd
9 like to just kind of shoot from the hip.

10 The word "isolation" in the Waste Isolation
11 Pilot Plant project, that says it all. It's isolated.
12 I worked there underground for two years. When you
13 stand on the bottom you look through 2,000 feet of salt
14 above your head, and you're walking around. I've been
15 in the entire underground there, there's maybe a gallon
16 of water being formed a day. That's nothing. Okay?

17 So the imagined fears of it breaching and
18 going out into the Pecos, it's a joke. Okay? That
19 salt has been there for 245 million years, and it's

20 probably going to be there another 245 million years.

21 It's never going to come to the surface; it's going to

22 stay down there.

23 I worked underground mining for ten years.

24 Ground flow or salt creep is real. The waste will be

25 safely entombed down there forever, never come to the

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1 surface.

2 I hear a lot of things about drilling down
3 into it and breaching the containment. Well, you have
4 to consider -- I'm an optimist, and I believe that we
5 are all getting smarter here. Okay. We are not
6 getting dumber. And people aren't going to come by in
7 10,000 years and say, "Oh, this is some trick that they
8 don't want us to drill here. There is something
9 valuable, so we will do it."

10 Not going to happen. In 10,000 years we will
11 be on other planets. We will. No one is going to
12 bother it. It will be safe forever down there.

13 The geography is right, the area is right. I
14 don't know who all has been there. It's in the middle
15 of nowhere. It's 50 miles from the Caverns.

16 I don't know if you heard anything today.
17 People keep talking about the beautiful caverns are
18 going to get wasted from the waste. Fifty miles from
19 the caverns, everybody. Not anywhere near the caverns.

20 It's the middle of the desert.

21 The environment there has actually been

22 improved since the WIPP site was formed, because now

23 there's no bovine erosion, no cattle wandering around

24 eating all the grass. The environment has actually

25 improved since the WIPP site had been opened. It's not

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1 a sacrifice zone.

2 The place was studied for 25 years before
3 they selected that site. They looked at all the
4 different, other kinds of sites, and they chose that
5 one because the salt happens to be thickest, and there
6 is no brine pockets in the general vicinity. There's
7 some around there.

8 And as far as the water getting down in
9 there, no one is going to drink salt water, either.
10 You don't drink salt water. It would be brine water
11 that came out of there.

12 Oh, and we are responsible for most of this
13 waste right here in New Mexico. The nuclear age
14 started here in New Mexico, and we -- the weapons,
15 uranium mining, nuclear medicine, space power, all
16 those things are from New Mexico. And myself, I'm
17 proud that they have the WIPP site in New Mexico, and
18 I'm proud to take responsibility for dealing with the
19 waste here in New Mexico.

20 My daughter is right here. We live in White
21 Rock, my whole family. We can see the WIPP storage
22 tents from the roof of our house, less than half a mile
23 away. We are not really concerned about it, but we
24 know it would be better down in Carlsbad.
25 And she spends the summers in Carlsbad. So

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1 I'm not afraid for her to go down there and be around
2 the WIPP site.

3 Oh, and the oversight? There is so much
4 oversight it's not funny. If anyone here had to work
5 under the conditions the people at WIPP have to work
6 under, the EEG, the DOE, State, the NMED looking over
7 you shoulders every day...

8 I change the filters on the air monitors --
9 I'm out of time.

10 I can't say enough WIPP is safe, it's going
11 to be down there forever, and we need to do the right
12 thing, which is open it up and take care of some of the
13 problems we created here.

14 Thank you very much.

15 MR. WILSON: Okay. Thank you for your
16 testimony, and we will put your prepared statement in
17 the record, too.

18 MR. DEMPSEY: Thank you.

19 MR. WILSON: Next is Sasha Pyle.

20 MS. PYLE: When I hear that statement,
21 "There's so much oversight it's not even funny," it
22 sounds a little different to me.

23 I think of what's been overlooked. The word
24 oversight means something different to me.

25 My name is Sasha Pyle. I am a long-time New

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1 Mexico resident. I am a homeowner, business owner,
2 voter, taxpayer, volunteer. I'm sorry I belong to so
3 many fringe groups. It must be very inconvenient. I'm
4 also -- I come from a long line of scientists and
5 college professors. I have an honors degree from an
6 Ivy League college.

7 None of that even matters. That is not what
8 matters here. I am a citizen activist, and I have
9 taken a hell of a lot of time to educate myself on this
10 issue, and there's a lot about it that Wendell Wearth
11 doesn't tell you, that George Dials doesn't tell you.

12 I am here tonight representing the Religious
13 Society of Friends -- that is the group I'm here
14 speaking for -- informally known as the Quakers. And
15 that is the spiritual community that I belong to. We
16 are not a church, we do not have a minister, we do not
17 have a cardinal, do not have a bishop. We have silent
18 worship. Our theological struggles are conducted
19 internally on an individual basis, and there's no dogma

20 to which you must subscribe to be a Quaker. When you
21 hear the words "organized religion," chances are it's
22 not us you are hearing about.

23 However, one thing that we do try to do in an
24 organized fashion is we serve the community daily. We
25 do volunteer work, we try to feed and clothe and

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1 shelter people that need that kind of help, and we try
2 to stick up for what needs to be stuck up for, which,
3 in some cases, is natural resources.

4 And I am a 12th generation Quaker in this
5 country. That doesn't make me a better or worse Quaker
6 than anybody else, because we have no hierarchy. To us
7 everyone is equal.

8 Quakers have a saying that we speak truth to
9 power. In other words, that truth is important to us,
10 and we will say it, no matter who we have to say it to.

11 No offense to you people that are taking the
12 time to pay attention to us, but I wish I had someone
13 more powerful than you to speak to tonight. I have
14 been to so many meetings and so many hearings. Like
15 John Dendahl, I have testified in Congress, like John
16 Dendahl I have come to every hearing. And I used to be
17 so impressed with the DOE people, the EPA people, and
18 the Westinghouse people, and after years and years went
19 by what I realized was I was talking to very

20 well-dressed, mostly polite, mid-level flunkies.
21 People that did not have decision-making capabilities.
22 And we would spend dozens and hundreds and thousands of
23 hours educating ourselves about something that does
24 matter to us, and we would come in here and pour our
25 guts out to talk to people like you that would put all

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1 of your testimony, written and oral, and research, and
2 every kind of summation of every kind of testimony and
3 every kind of scientific things we could put together,
4 and you would put it in your equivalent of a black
5 plastic trash bag and go hand it to the decision
6 makers, who are somewhere beyond closed doors with a
7 decision already made.

8 To say this is not frustrating is an
9 understatement. "Frustrating" is a euphemism. It is
10 an outrage. It is a pure and simple outrage.

11 One of the things I kept thinking about when
12 I was trying to decide how I would focus my remarks to
13 you tonight to use as few moments as possible -- when
14 what I would really like to do is talk to you for five
15 or six hours, which I could do, no books and papers --
16 because I could. And you have to take that on faith
17 from me.

18 When I was trying to decide how to focus my
19 remarks, I was thinking of this statement which I love

20 so much, which I believe was made by Aldo Leopold --

21 and if it was not him, it was some other

22 scientist/philosopher and inventor, but I believe Aldo

23 Leopold, who said: The first rule of intelligent

24 tinkering is to keep all of the parts.

25 I thought: Why do I keep thinking of this?

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1 What does this have to do with WIPP? Why does it keep
2 coming into my mind?

3 I see two things about it. One is it's a
4 statement of what the human act of invention is
5 supposed to be about. It's supposed to be about
6 betterment. Intelligent tinkering. Why do people try
7 to invent things? What is science? What is technology
8 intended to do? It's intended to better our condition,
9 create an improvement or a solution.

10 Now, WIPP can never be a solution.

11 To the people who live in the Pueblos and the
12 people who live in Cochiti, and the people who live in
13 La Bajada, believe me, we know that you are in the
14 shadow of disaster. We know it. We hate it. We are
15 in the same shadow of the same disaster.

16 Los Alamos is a nightmare, as someone else
17 said prior to the dinner break. However, WIPP can't
18 make us safe from Los Alamos. If you are downwind and
19 downstream of Los Alamos, you are still going to be

20 downwind and downstream of Los Alamos.

21 And the waste that is contaminating the Rio
22 Grande and Cochiti Lake is waste improperly buried in
23 pits, trenches, cardboard boxes, wells injected into
24 the ground. WIPP was never designed to address that
25 waste, and it will never address that waste. WIPP was

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1 addressed to one kind of waste only, and that is stuff
2 that is packaged that is above ground. And it will
3 only handle a fraction of that.

4 So all the concerned citizens all around the
5 country that are downwind and downstream of Fernal,
6 Hanford, Rocky Flats, and Pantax, and Savannah River,
7 and Oak Ridge, and every other DOE facility in the
8 entire country have been led to believe that their
9 threat that they are so tired of living under is going
10 to be solved the day that the ribbon is cut and the
11 champagne cork flies out and the flash bulbs go
12 off at WIPP, how betrayed and bitter are those people
13 going to be that WIPP made a new mess and it doesn't
14 clean up their mess? It can't clean up their mess.
15 It's not big enough.

16 And it's supposed to be a pilot plant,
17 because it's supposed to demonstrate we can do this
18 again. Not only is WIPP the first of its kind, but
19 let's get real, it's the last. They are not going to

20 try to build another one after how bad this one is.

21 We know this is bad. Everybody knows it's

22 bad. The scientists know it's bad. Everybody knows

23 it's bad. It's just a question of how bad is too bad.

24 It's the pilot plant, but the last one.

25 So even if somehow, by some miracle, it

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1 served its mandate, which we know it can't do, it still
2 hasn't got a prayer of solving this problem that hangs
3 over these people's heads all over the country.

4 So the second thing about Aldo Leopold's
5 statement about intelligent tinkering, and the first
6 rule, is to save all the parts, so that if somehow your
7 idea doesn't work, if somehow your plan didn't result
8 in solution and betterment and improvement, you can at
9 least put it back the way it was and leave it no worse
10 than before.

11 WIPP is designed to fail because it is
12 designed to be something that can't be fixed. Because,
13 believe you me, after 25 years of operation, when they
14 decommission the above-ground facility, and they turn
15 out the lights, and they plug the shafts, and they walk
16 away from WIPP, there's no force of nature, human or
17 otherwise, that is going to be able to get down in
18 there into that collapsed facility with all that lovely
19 backfill and clean up the mess that's been made down

20 there. It's an admission of defeat that we even open
21 the damn thing, because it is designed to fail. It is
22 an underground Hindenburg, pure and simple.

23 And DOE likes to tell us that you can stop a
24 particle of plutonium with a sheet of paper. They
25 love to say that. And to some of us it raises these

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1 images in our minds: Well, are we going to put on
2 paper suits like the ones that they issue to the
3 emergency response workers along the route with the
4 duct tape around, or are we going to hold a piece of
5 paper and try to figure out which way it's coming from?

6 DOE believes that paper can make this safe.
7 That's why they print more and more and more paper.

8 My idea is: Let's take the Environmental
9 Impact Statements, and the supplements to the
10 Environmental Impact Statements, and the Final
11 Environmental Impact Statement, and the Application for
12 the No-Migration Petition, and let's take all of this
13 paperwork and let's put it in WIPP, because it would
14 just about fill it up, and it's the only thing that
15 would -- if we get a little printing ink in the water
16 table, it would be a lot better than what we are about
17 to get in the water table.

18 That facility is designed to fail. Salt is a
19 hydrophilic medium. That means when any thermal

20 activity occurs in the salt, moisture is drawn to
21 whatever is creating that thermal activity, unlike,
22 say, stone where water is repelled if heat is
23 generated.
24 Okay. That means that all the thermal heat
25 that you get from the remote-handled waste and the

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1 contact-handled waste which is hot, in addition to the
2 mixture of chemical mixed hazardous and chemical waste,
3 and decomposing organic materials, and gas formation,
4 draws more and more moisture to the site, so what we're
5 going to end up with is a toxic, nasty cocktail that is
6 highly pressurized under there, and no way we can get
7 down and clean it up.

8 That's the bottom line. That's what this is.
9 If we are opening it, we are admitting defeat right
10 now. We are saying we don't believe in science.

11 When people say, "People who oppose the WIPP
12 are opposed to science," no, I believe in science. I
13 believe it can give something better than sweeping the
14 crap under the rug and pretending it's not there.

15 It is an assault on the planet to put it with
16 water above it and water below. When it reaches water
17 through any one of the innumerable escape pathways that
18 are there already, and will be as additionally created
19 by the fall of the anhydrite layers that are there,

20 through gas formation and everything else happening,
21 all of that toxic, hazardous, chemical radioactive crap
22 is headed for the water table, and the Pecos River
23 feeds to the Rio Grande, and every fish hatchery,
24 agricultural, drinking water from here to the Gulf of
25 Mexico can be affected.

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1 Now, do we care or do we not care? That is
2 the question.

3 Why have some of us turned out over and over
4 again into this theater of the absurd to stand here,
5 say this to you, or people like you, over and over and
6 over again?

7 I wish if there is one image I could put in
8 your mind, it would be of the Sweeney Center when we
9 had the hearings on the Supplement to the Environmental
10 Impact Statement in 1989, dozens and hundreds of people
11 who sat there quietly in their row after row after row
12 of seats holding up signs that said one thing: EPA
13 Standards.

14 What does that mean? To us it is the
15 independent oversight by another agency so that DOE
16 would not just continue to regulate itself, lying in
17 bed with its contractors in a cozy embrace -- which you
18 guys apparently are trying to climb in under the covers
19 now.

20 We have a mess all over this country. I
21 refer to you as part of my submission to the public
22 record my request that every decision maker in EPA be
23 required to read from beginning to end a book called
24 Deadly Defense. It was put out by the Radioactive
25 Waste Campaign Group in New York, I believe published

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1 in 1989 or 1990. It is a scathing indictment of the
2 environmental legacy of the DOE and nuclear weapons
3 production in this country. And what is interesting,
4 it is not a scathing document from outside, it was
5 compiled from internal DOE documents that were obtained
6 under the Freedom of Information Act. If the book were
7 to be revised and updated now, the picture would look
8 worse and not better, because new hazardous leaks that
9 have come to light since then far outweigh the pathetic
10 efforts at clean-up and remediation that DOE has given
11 us.

12 I would also urge you to listen very
13 carefully to what the Attorney General told you this
14 afternoon, and Don Hancock told you yesterday, because
15 these are people who know what's wrong with WIPP.
16 There is only one or two other people that know more,
17 but they can't say it because they would lose their
18 jobs.

19 Now, you guys might lose your jobs, too, and

20 I'm sorry about that. I am. I don't want anyone to
21 lose their jobs. But I will say this: That I believe
22 in four or five hundred years that clean water in the
23 ground is going to be worth more to people here in what
24 we now call the arid, desert Southwest of the United
25 States -- although this only has been the United States

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1 for 86 years, so we don't know what it's going
2 to be in 10,000 years or 500 years. Clean ground water
3 is going to be worth more than gold to those people,
4 and certainly worth more than the 30 pieces of silver
5 that we are being bought up with in the form of 25
6 years of jobs for the depressed economy of Carlsbad.

7 I want our neighbors in Carlsbad to have a
8 good economy and good life, and I want us to have a
9 good economy and good life, but I think it's a crime
10 against nature to take this toxic crap and shove it
11 down the throat of New Mexico and the earth.

12 Thank you.

13 MR. WILSON: Thank you.

14 A SPEAKER: Can I say something very quickly?

15 I would like to mention something she just
16 said. It would take me 30 seconds.

17 MR. WILSON: Well --

18 A SPEAKER: I, too, am a Quaker, and however
19 valid her points are, I don't feel it's fair for her to

20 tack on her personal beliefs to the entire religious

21 society.

22 MR. WILSON: Thank you.

23 Let me check if Richard Polasi is here?

24 (Note: No response.)

25 Okay. Dr. C. Glendenning is next. Is Dr.

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1 Glendenning here?

2 (Note: No response.)

3 Les Shephard.

4 MR. SHEPHARD: Good evening. I want to thank
5 the Environmental Protection Agency for the opportunity
6 to present my personal views on the Certification
7 Decision-Proposed Rule for the Waste Isolation
8 Pilot Plant. I am Les Shephard, a resident Carlsbad,
9 one who enjoys a good life and one who enjoys a good
10 economy. In addition, I have a longstanding personal
11 interest in the process used by our nation to make
12 decisions on critical environmental issues, and with a
13 professional interest in WIPP as the Director for the
14 Center of Nuclear Waste Management at Sandia National
15 Laboratories.

16 In 1992 Congress passed the Land Withdrawal
17 Act, which, among many other things, provided a proper,
18 responsible approach for assessing the long-term safety
19 and health issues associated with WIPP when it

20 delegated to the Environmental Protection Agency the
21 responsibility to make a certification decision, a
22 responsibility held previously by the Department of
23 Energy.

24 The EPA is to be commended for the rigorous,
25 systematic, timely, and open manner in which they have

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1 completed their assessment of the Compliance
2 Certification Application, and have properly concluded,
3 in my view, that WIPP should be certified for the
4 receipt of waste scheduled to begin in May of 1998.

5 I recognize that this decision was not made
6 without significant internal and external dialogue,
7 discussion, and debate on critical technical issues, on
8 regulatory intent, and on legal ramifications.

9 It is also significant to recognize that this
10 independent and thorough review by the agency reached
11 many of the same conclusions on the technical issues as
12 reached by multiple independent national and
13 international experts serving individually and on peer
14 review panels over the last 20-plus years, and by the
15 National Academy of Sciences - WIPP committee, which
16 concluded there is no credible or probable scenario for
17 release of radionuclides from the WIPP if it is
18 undisturbed by human intrusion.

19 The Agency has fully implemented the

20 scientific process as they developed the rule, openly
21 and candidly engaging world experts in the debate of
22 key technical issues. The Agency has been as rigorous
23 in assessing the technical basis for each of the 1600
24 parameters that were used as input to the performance
25 assessment calculations, and has implemented a

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1 detailed, systematic, and thorough approach for
2 reviewing the 456 key parameters relative to the WIPP
3 total system performance assessment analyses.

4 The Agency has directed a series of analyses,
5 the Performance Assessment Verification Tests, that
6 have incorporated levels of conservatism well beyond
7 that within the Compliance Certificate Application.
8 These verification test analyses incorporated extremely
9 conservative ranges for 24 critical parameters, many of
10 which were identified or recommended by shareholders
11 and oversight groups. The extremely conservative
12 ranges exceed those likely to be found within the WIPP
13 environment and exceed reasonable expectations, based
14 on objective scientific evidence.

15 As an example, these analyses significantly
16 increase both the probability of intersecting a brine
17 reservoir beneath the repository and the volume of
18 brine that would be intersected during a potential
19 intrusion, they eliminated credit for passive

20 institutional controls, and made numerous other
21 modifications to the Compliance Certification
22 Application baseline.
23 As in the CCA, these analyses also
24 incorporated the effects of direct drilling into the
25 repository and the associated releases associated with

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1 these intrusions.

2 Even when incorporating these extremely
3 conservative scenarios, the analyses showed
4 conclusively that the performance of WIPP is more than
5 an order of magnitude below the Environmental
6 Protection Agency's release criteria, and well within
7 the bounds established for safe disposal and
8 containment.

9 In closing, I strongly endorse the right of
10 each individual to present their views on the proposed
11 rule and their perspective on WIPP. Ultimately,
12 however, a decision of this magnitude and importance
13 must be based on open, objective, systematic and
14 rigorous evaluation of the scientific evidence, with a
15 singular focus on the long-term wellbeing and safety of
16 the American people in mind. The decision to certify
17 WIPP for receiving transuranic waste is the right
18 decision for the safe, effective, long-term management
19 of transuranic waste for this country, and is the

20 environmentally responsible decision to ensure the
21 safety, health and wellbeing of many generations to
22 come.

23 Thank you.

24 MR. WILSON: Next is Greg Mello. Good

25 evening.

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1 MR. MELLO: Good evening. My name is Greg
2 Mello. I'm the director of the Los Alamos Study Group,
3 which is a nuclear policy non-profit here in Santa Fe.
4 We don't work on the WIPP, primarily, so I'm going to
5 be talking to you not in technical terms.

6 In 1971 I worked for the EPA -- I was a
7 summer intern -- and we went that summer to a number of
8 sites, including the Hanford Reservation. My
9 supervisors in the EPA thought that perhaps I should
10 sit out the meetings with the operators of the Hanford
11 plant because, as they said, I had a propensity for
12 asking the wrong questions. So I took the day off and
13 walked around, drove around, talked to the neighbors at
14 the Hanford plant, and learned a lot more, probably,
15 than I would have learned sitting in a meeting.

16 I've been a little bit skeptical since then
17 about claims of safety when there is so much material
18 conflict of interest behind them.

19 I'm not sure, you know, that we know what the

20 problem is that WIPP is supposed to be solving, and it
21 would be a lot easier if this were clearly known. I
22 don't think that the magnitude of the waste stream has
23 been bounded. It seems a little bit open ended.
24 If any of you have been following waste
25 management and the problematic actions for the

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1 Department of Energy, or read the criticisms flashed
2 over the national media about that, you will know the
3 Department of Energy waste management house is very far
4 from in order. It's a really big mess. Al Alm forced
5 to step down, unable to "herd," as he put it -- herd
6 the chickens -- or herd the cats, I forget which.

7 I'm afraid that what is happening is that we
8 are pushing into a technical realm, a kind of pseudo
9 technical realm -- I'm an engineer, and would be a lot
10 more comfortable if this were a little better defined.
11 But it seems to me we are pushing into a technical
12 realm decisions that are fundamentally political. By
13 swallowing important political decisions in a kind of
14 technocratic discourse, it places it beyond the reach
15 of ordinary people who are then forced to try to come
16 into this forum -- and many of them study the
17 documents, you know, for hundreds of hours and become
18 citizen experts, and other people are expressing their
19 intuition, their common sense understanding. And I

20 think that's awfully important. Making a decision the
21 province of an expert is a way of taking the political
22 power away from a lot of people and placing it,
23 generally, in the hands of people who have a material
24 conflict of interest.

25 There's an excellent book which I would

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1 recommend to the people making decisions about WIPP
2 called Normal Accidents by a Yale professor, who
3 studied accidents in a number of industries and came to
4 the conclusion that there was an irreducible minimal
5 number of accidents in many cases that depended on
6 sociological and institutional factors rather than
7 technological factors. In the course of his
8 investigation, he came to the conclusion that in many
9 cases an expert could be defined as a person who had a
10 propensity for asking the wrong questions.

11 I don't know, I haven't been following the
12 polls or the newspapers on the subject very closely, I
13 don't know whether a majority of New Mexicans would
14 vote to open WIPP or not open WIPP, and I don't know
15 whether that would be a good way to make a decision
16 about it. I do feel that a decision that involves a
17 permanent commitment of this kind shouldn't be foisted
18 on a state or a region without substantial unanimity of
19 opinion.

20 It's not okay for a narrow majority, or a
21 minority under the guise of scientific analysis, to
22 say, "This is the right thing to do. We know what is
23 the right thing to do, and we are going to make you
24 other people just swallow it." That doesn't really
25 seem right, whether it's clothed in polysyllabic terms

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1 or whether it's just naked power.

2 You here at the Environmental Protection
3 Agency -- and I don't really know where you're all
4 from -- you are charged to make decisions. Whether you
5 are sitting here, whether you are reading these remarks
6 later -- I think mostly temps type these things up --
7 but you are charged to make a decision based often on
8 very narrow technical criteria, and it seems like
9 breaking your charge to open the ambit of your thought
10 to the wider questions. That's what I'd like for you
11 to do. That's what I think is really important,
12 because we very easily ask the wrong questions here.

13 I work on nuclear weapons issues. There is,
14 as you may know, a renaissance in nuclear weapons
15 funding, a renaissance in nuclear weapons activity.
16 There is expected to be an enormous amount of waste
17 generated from this. The budget, in real terms, for
18 these activities is considerably higher than the Cold
19 War average. That's in constant dollars. At the same

20 time, our colleagues and friends at the lab are seeking
21 to maximize their funding envelope by bringing new
22 missions, many of which are quite dirty, to Los Alamos,
23 missions in demonstration mock fuel fabrication, and
24 others that we are not completely sure of, that will
25 generate transuranic waste.

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1 In many cases these missions aren't actually
2 necessary. For example, the DOE's preferred
3 alternative for dealing with the residues from Rocky
4 Flats, their preferred alternative is the one which is
5 most expensive, generates the most waste, and has the
6 highest proliferation danger, but it does have the
7 benefit of involving as many DOE sites in as many
8 appropriations as possible.

9 I'm telling you that the feedstock into this
10 thing has not been settled, and is being decided in an,
11 unfortunately, undemocratic political process.

12 In the case of the weapons program, there has
13 been a deal that the magnitude of the funding can be
14 bumped up in order to forestall objections to the Test
15 Ban Treaty, so Senator Domenici has worked something
16 out with the White House where the funding through
17 2010 will be \$60 billion. This is really high, and
18 there's a lot of waste. And I would encourage you not
19 to give a green light to all of these unnecessary

20 programs which entail risks, not just on the part of
21 the program that you are looking at, but in many other
22 parts down the line.

23 And there are very few opportunities for
24 citizens to have any input into this process at all.

25 This forum, as narrowly focused as it is, is one of the

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1 very few, so thank you for your attention, and, please,
2 if you can, look at the very big picture, because when
3 it gets all broken down into little bits, each little
4 bit can look massively okay, almost white, maybe only a
5 little bit of grey, but if you put all those filters
6 one behind the other, you can't see through it.

7 Thank you.

8 MR. WILSON: Thank you.

9 I thought Mr. Mello raised a question about,
10 to some extent, who we are on the panel. I think
11 Ms. Pyle also did. Since some of you have come in
12 since we opened tonight, I think it's fair to ask that.

13 I'm the -- my boss at EPA is the
14 Administrator Carol Browner. I'm responsible for all
15 the air and radiation programs within the agency.
16 Larry Weinstock runs the office within EPA that is
17 responsible for the radiation and indoor air programs.
18 Frank Marcinowski and Mary Kruger are responsible for
19 the radiation programs, including the WIPP project.

20 Keith Matthews is the attorney who works with us on
21 these matters. We have a number of EPA technical
22 staff, here as well.

23 You have for this week the decision makers,
24 short of Carl Browner, who is obviously the one who
25 will sign the final decision here, to hear your views

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1 and comments. We take this matter extremely seriously
2 and are interested in getting all your views and
3 comments. You may or may not agree -- it's pretty sure
4 listening to all the comments that a fair number of
5 people won't agree with the final decision, since the
6 views are pretty split, but we are taking the time to
7 be here all week, which maybe we should do more often,
8 but is unique in the agency for issues like this,
9 because we know it's a serious matter, and we know that
10 a lot of people have differing views about it.

11 So it's fair -- I think we are sort of
12 strangers in your community -- to ask who we are and
13 why we are here.

14 Next is Alfred Fuller.

15 MR. FULLER: Good evening. My name is Al
16 Fuller, and I live in Santa Fe. I am concerned about
17 the fact that the Santa Fe bypass won't be complete in
18 time and that WIPP may not be safe, but these are not
19 my main cancers. My main concern is that if WIPP

20 opens, the producers of hazardous waste will have a
21 place to store it, and they will keep producing more. I
22 believe if we force them to leave it where it's
23 produced, they will begin to worry about their own
24 health and maybe stop producing.

25 We know that Los Alamos plans to produce more

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1 plutonium pits and that they plan to ship plutonium
2 from Rocky Flats to LANL, and I think we must stop this
3 outrage.

4 Apparently, EPA refuses to divulge the names
5 of those who evaluate the DOE Certification
6 Application. It's my understanding that such
7 information is required by law to be available to the
8 public. I realize you are not here to answer
9 questions, but I ask you to ask yourself that question:
10 Why won't you reveal the names of those so that we can
11 evaluate their competency?

12 We have heard a lot tonight about experts,
13 engineering experts and scientific experts, and I'd
14 like to remind you that the experts said that Bhopal,
15 India was safe; they said that Three Mile Island was
16 safe; they said that Love Canal was safe.

17 It appears to me that it depends on who you
18 work for.

19 In conclusion, I'm strongly opposed to the

20 opening of WIPP because I don't want the producers of
21 hazardous waste to have a place to put it. I want them
22 to worry about their own health.

23 MR. WILSON: Thank you very much.

24 Next is F. Harper Brewer.

25 MR. BREWER: I am Harper F. Brewer.

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1 MR. WILSON: Sorry.

2 MR. BREWER: The "F" standing for Frankie.

3 MR. WILSON: We will make sure we get it
4 right.

5 MR. BREWER: And I am a member the San
6 Idlefonso tribe. I'm a Council member, and I'm very
7 concerned. And as people say, they came from a long
8 line of this, they came from a long line of that. I
9 came from at long line of Native Americans, and I want
10 to see that we still have a long line of Americans to
11 come in the future.

12 I am really disturbed by all of this. I am
13 disgusted because we have been deceived so often, for
14 so long: From the beginning of time, when the
15 Manhattan Project started, when the Atomic Energy
16 Commission was first here, or when they were called
17 DOE, before they started trying to change names to
18 shirk responsibility. We were told that once that
19 project was complete that our land would be returned to

20 us. This has never been done.

21 Los Alamos is on our reservation. Nobody
22 ever asked us if they could make a dump out of it, much
23 less to ship waste in from all over this here U.S. of A
24 to dump it on our reservation.

25 I am tired of the deceit. When does it end?

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1 When do we get the truth? Why should concerned
2 citizens for nuclear safety have to sue the Department
3 of Energy to seek out the truth?

4 The criteria they speak of, where does that
5 criteria come from? It didn't come from Native
6 Americans. I don't see Native Americans on the panel
7 here, either.

8 I'm very disappointed. I'm very upset. Deep
9 down, I'm really, really frustrated, because you have
10 no concern for the future of my people.

11 This WIPP site is no answer to anything.
12 It's a test program. It doesn't answer the questions.
13 It doesn't bring an end to the nuclear waste.

14 You have scientists, you have physicists, you
15 have money to fund all kinds of nuclear projects. Why
16 not fund scientists to study ways to get rid of the
17 nuclear waste, to neutralize it? Maybe take it to
18 D. C. and have them worry about it there. That way if
19 it's not safe, we'll have either living or dead proof

20 there.

21 I'm really hurt. I'm really disgusted. I

22 don't trust what is going on. I don't trust what is

23 said here. I don't believe these people who say that

24 this waste is safe. To put it in a pit and cover it up

25 is not getting rid of the problem. All that's doing is

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1 camouflaging it so nobody will see it, nobody will
2 notice it. It's still there, it's still dangerous,
3 it's still waste. Nuclear waste. Deadly waste.
4 Why, I ask you, would anyone want to have
5 something like this right here in our backyard? Why is
6 Los Alamos a dumping ground in New Mexico? Why weren't
7 we asked for permission, rather than just having them
8 do it because they are there?
9 These are questions I would like to have
10 answered. I would really like to know.
11 I'm concerned for the future of my people, my
12 fellow brothers up and down the Rio Grande. Unlike you
13 people, who will go back to Washington or to other
14 states, other cities around the world, you will go work
15 there. Work there, fine. Your whole life is about
16 money. My concern is the future of my future
17 generations. When I go to visit my relatives, I don't
18 go back across the States, I don't go to another state,
19 I don't go across the great waters to an old country.

20 This is my old country.

21 A lot of things have been said to have been

22 secretive because of national security. All right.

23 What about my nation? What do you care about my

24 nation? Why have we been deceived? Why are we still

25 being deceived?

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1 My concern, like I said, is life. Money
2 comes and money goes. Life is precious. I ask you to
3 consider that, because that's where I really come from,
4 that's what I'm all about. I want my children to grow
5 up healthy and happy. We have cancers and stuff now
6 that weren't around before Los Alamos came to be. I
7 would like to have studies done on that. I would like
8 to know why nothing has been done about that.

9 And those people of WIPP, in favor of WIPP,
10 who hear me, who feel offended by what I say, I'm glad
11 you feel that way. I hope you feel some guilt. I hope
12 that this opens your eyes, opens your hearts, opens
13 your minds to thinking about others, and let the
14 almighty dollar alone. Go through your heart, not your
15 wallet.

16 MR. WILSON: Thank you very much.

17 Next is Jose Villegas.

18 MR. VILLEGAS: Buena noches de le Dios.

19 My name is Jose Villegas, Mr. Wilson and

20 colleagues. For the record, my background is 13 years
21 of law enforcement experience and emergency planning.

22 I'm here today to speak to two concerns. One
23 is on emergency planning and the other is the struggle
24 of my own culture, which is the Chicano culture.

25 On November 14, 1994, in San Francisco a

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1 young police officer by the name of Jim Gott (phonetic)
2 was shot and killed by an individual who was heavily
3 armed. It took 32 minutes of pure gunfire. This guy,
4 this Victor Lien (phonetic) was shot two times in the
5 head, headshots, six and eight times on the body. The
6 reason why this guy survived, or this guy managed to do
7 this for 32 minutes of pure gunfire is because he was
8 wearing a bulletproof vest.

9 On December 21, 1997 in Dayton, Ohio, talks
10 about the army weapons thefts continue on the
11 investigation into stolen or missing weapons in 1995,
12 1996. Where are these weapons, M-16's, assault rifles,
13 one of them equipped with a grenade launcher, plastic
14 explosives, TNT, dynamite, other explosives?

15 The government charges theft of an FBI van.
16 Do you remember that one, July 7, 1997? Rifles,
17 grenade launchers, ammunition, FMP-5, live grenade
18 launchers, tear gas equipment, bulletproof vests with
19 FBI insignia.

20 Nuclear arms stockpiles are vulnerable,
21 nuclear weapons can be sabotaged. Talk about our
22 federal labs can't even handle security. Six marines
23 charged with stolen arms in Camp LeJeune.
24 Is our City of Santa Fe Police Department
25 ready to deal with a terrorist attack if they decide to

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1 attack one of these DOT vehicles? I don't think so.

2 I could get into the technical stuff, but I'm
3 not going to. I'm just going to say that I am not a
4 man of rhetoric, and frankly I'm not an opponent of the
5 WIPP that generates nothing, and/or unfounded concerns
6 with hot air, as Mark Miller, a health physicist from
7 Albuquerque says in the Albuquerque Journal. What I
8 want to say is I have reviewed hundreds of documents
9 and analyses, both technical and sophisticated, and
10 some, of course, that don't make any sense. It doesn't
11 take a rocket scientist to figure out what the issue is
12 all about. However, I strongly believe that the
13 federal agencies, different federal agencies who are
14 supposed to be experts in the area of radioactive
15 material have no idea what environmental racism is,
16 what kind of impact it has done to our Chicano and
17 Mexicano communities.

18 Let me give you a definition.

19 As the Reverend Benjamin Chavez Jr. says:

20 Environmental racism is racial discrimination in
21 environmental policy making and enforcement of
22 regulations and laws that deliberately target
23 communities of color for toxic waste facilities,
24 and the history of excluding people of color from
25 leadership of the environmental movement.

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1 What does it mean on the federal, state, and
2 local level? It means I place the blame for
3 discriminatory waste siting and traveling on
4 St. Francis Drive on the federal, state, especially our
5 incompetent Governor, and the governing body of the
6 City of Santa Fe for approving an ordinance that would
7 allow nuclear waste to be transported on St. Francis
8 Drive in the early hours when people are sleeping.

9 So when when the City Councilor talked about
10 the ordinance they passed, it's really a shameful
11 thing. Not only do I blame the Governor, I also
12 believe and support the criticisms that were made by
13 the hundreds of Chicanos and Chicanas throughout the
14 501 years of Chicano history of "mainstream" thinking
15 for being dominated by white, middle-class men, and for
16 embodying their values that are foreign to people of
17 color.

18 Is this a true statement and reflection of
19 the Chicano/Mexicano point of view in New Mexico and

20 the Southwest? Well, I challenge each one of you to go
21 ask a Chicano/Mexicano anywhere in the Southwest,
22 specifically Northern New Mexico, about what happened
23 to the government's promise to abide by the Treaty of
24 Guadalupe Hidalgo, addressing the stolen land-grant
25 issues, developer takeover, and the water rights, the

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1 English-only movement attempting to alienate our mother
2 tongue, and constant anti-Mexican bashing that invades
3 this so-called "Land of the free."

4 You are wondering if these social/race issues
5 I am addressing to you today have nothing to do with
6 WIPP. Well, let me just say you don't know Northern
7 New Mexico and its history of struggle with its people.
8 We are not Carlsbad or Los Alamos.

9 In conclusion, it appears my statements are
10 primarily focused on lines of social, racial, and
11 ethnic concerns which relate to WIPP. And you're
12 right. However, I don't trust the government, and I
13 have no faith it will act on my concerns or any
14 minority concern related to WIPP; therefore, it would
15 behoove this EPA panel to reconsider the idea of
16 prohibiting the opening of WIPP and transporting these
17 dangerous radioactive materials in our low-income and
18 minority populations, which is the barrios along
19 St. Francis Drive, until our input is heard.

20 I ask you today: When is the last time an
21 EPA, DOE, LANL, Carlsbad official, et cetera, et
22 cetera, made a personal visit to one of our Chicano or
23 Mexicano homes along St. Francis Drive, especially in
24 the heart of the barrio? Does the DOE, EPA, LANL
25 Carlsbad, et cetera, understand what a barrio is? If

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1 you do, tell me now.

2 So please, I ask you to open up a serious
3 dialogue with the Chicano/Mexicano people in Santa Fe.
4 I am sure after this meeting you will conclude my
5 concerns have no merit due to national security, and
6 eventually define your own parameters and dismiss these
7 concerns altogether; however, environmental racism is
8 what I call it, and what are you going to do about it?
9 for Santa Fe? How are you going to ensure that
10 minority communities in the Southwest, especially in
11 Santa Fe, are going to have a fair, legal, and
12 equitable say on what impacts our communities or our
13 neighborhoods which relate to WIPP?

14 Is this a done deal? I don't think so.
15 Regardless of what federal law says or do, one thing
16 the government cannot do with me is censor me. It is
17 called "puder," the will. No army can defeat it.

18 So it's not over, it's just beginning.

19 MR. WILSON: Okay.

20 Amy Sollman.

21 MS. SOLLMAN: A-may.

22 It's really sad to say I've been coming to
23 these stupid hearings for 20 years, and now I'm of
24 child-bearing age.

25 I'm an apprenticed midwife in the area, I

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1 have been for a couple of years, and I'm deeply
2 concerned about my ability to bring into the world a
3 very healthy, properly formed baby, having been exposed
4 to so much radiation in this area.

5 And I -- you know, there's a lot of -- I see
6 a lot of stuff happening in this area with women of
7 child-bearing age, and it concerns me a lot about the
8 babies being born and what is to come.

9 It's hard for me to picture the future, to
10 WIPP and the radioactivity rolling by my home in the
11 middle of the night, and possible accidents, very
12 likely accidents. So it's really hard for me to have a
13 lot of hope if WIPP goes through about having a family,
14 especially in this area.

15 Where do you go?

16 I have something I would like to read into
17 the record, written by my mother who has been bringing
18 me to these hearings since I was just a little girl.
19 She is taking care of my grandma, so she can't be here.

20 By Suchi Sollman.
21 (Reading) "The question of WIPP has already
22 cost us \$2.5 billion as the feds pour tax dollars
23 down a hole in the ground near Carlsbad hoping to
24 entomb its nuclear garbage in the wet saltbeds.
25 Uninterested in the public's health and safety,

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1 the Department of Energy orbits itself, ignoring
2 the cries of citizens. The project won't work.
3 Waste will ultimately ooze into the Pecos River
4 and down the Rio to the Gulf. Underground salt
5 water will eventually corrode the metal drums,
6 creating a lethal soup headed for the croplands of
7 the Southwest.

8 "DOE shows little concern that the WIPP site
9 is impossible to seal off, there being no way to
10 cement over the every-shifting salty rooms,
11 refusing to acknowledge responsibility, and
12 creating the worst of all possible threats to
13 human life. The Department wants to take a dump
14 in New Mexico. The nuclear chicken is coming home
15 to roost where it all began.

16 "WIPP has been scheduled to open six times
17 since 1986. The evidence is piling up that this
18 year's attempt (in May) is serious -- roads being
19 repaired, a two-lane bypass around Santa Fe could

20 be finally completed, the City Council voted to
21 allow waste shipments on St. Francis Drive Monday
22 through Friday, 1:00 to 5:00 a.m. The State
23 Environmental Department is due to give the nod
24 next.
25 "Standing in a realist's shoes, one is led

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1 to conclude that WIPP will open this year unless a
2 court decision stops it. This is not far-fetched,
3 since New Mexico Attorney General Tom Udall and
4 citizen groups obtained a court order against its
5 opening in 1991 because federal laws hadn't been
6 complied with. This time the EPA gave approval
7 before the Environmental Impact Statement was
8 ready, a profound jumping the gun, and the basis
9 for another lawsuit.

10 "If WIPP opens, it's certain it will never
11 close. While tunnels are ready to receive
12 radioactive debris from years of bomb building, 75
13 percent of the waste slated for WIPP hasn't yet
14 been made. The project extends the nuclear
15 nightmare far into our future, enabling nuclear
16 planners to keep planning, and production to
17 continue. If all roads lead to Carlsbad, as the
18 DOE contends, then 21 states will feel the impact
19 over the next 35 years, nearly 1,000 shipments a

20 year, with the likelihood of numerous accidents

21 occurring.

22 Canisters surrounding the site haven't been

23 tested for" --

24 Wait a minute.

25 -- "haven't been tested for fires at high

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1 enough temperatures. Once released into the air
2 plutonium powder is easy to inhale, and it will be
3 aboard many of the trucks. Radioactives stick
4 around for hundreds of years (strontium and
5 cesium), and
6 forever, such as plutonium, bombarding us with
7 invisible, odorless, overcharged ions. Even
8 without an accident, traveling next to a truck
9 loaded with the very hottest waste could expose us
10 to deadly gamma rays.

11 "One wonders where the DOE's head is,
12 gambling with these odds, when it could quietly
13 tuck its tail under its hindquarters and sit on it
14 for another hundred years. Waste can stay where
15 it's at for now. Moving it down the highway will
16 wake up a lot of folks to the reality of WIPP.
17 What will happen to the quiet majority when
18 nuclear waste starts flying around? This is risky
19 politics.

20 "Since the bombs exploded in Hiroshima and
21 Nagasaki, we've all been challenged to confront
22 its overkill and the concentrated assault on the
23 environment. The longer we postpone this
24 confrontation, the more misery we will pile on
25 ourselves. Putting the nuclear genie back in the

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1 bottle is our task, just as the centuries-old Hopi
2 prophesy rock images it, we're confronting a fork
3 in the road drawn as a Y. If we go right, we come
4 to a ground of ashes. Staying left, we follow our
5 ancestors' way of healing.

6 "EPA hearings on WIPP are scheduled in
7 Santa Fe, January 8 and 9. It's important to
8 attend and speak out so that the community we
9 create together can take a giant step on the path
10 of peace. Remember, it's the West, and we're not
11 WIPPed yet."

12 MR. WILSON: Thank you.

13 Next is Elizabeth West.

14 MS. WEST: Hello. My name is Elizabeth West.
15 You have pronounced it correctly. I live in Santa Fe,
16 and I grew up in Boston, and I have lots of friends in
17 Washington.

18 I don't really want to repeat lots of things
19 that have been said this evening and earlier times, but

20 I'd like to underline all the things that -- I'm sure

21 you can guess what I am going to underline.

22 I am also opposed to opening WIPP.

23 Before I say one other thing, I would want to

24 ask each one of you, just because I am presented with

25 this opportunity, which I feel lucky to have in this

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1 country. I'd like to ask each one of you individually:
2 Have you made up your mind already about this decision
3 in relation to WIPP?

4 MS. KRUGER: No.

5 MR. WILSON: No.

6 MS. WEST: Because I think that's really
7 important. That helps our assumption that we are
8 working in a trustworthy environment.

9 I mean, naturally, you know, we have been
10 lied to or we've lied to each other, so we all know
11 that sometimes we can't prove that something might be
12 wrong, but we can feel that something might be wrong.
13 That isn't really going to work in a court of law.

14 MR. WILSON: Ma'am, I don't want to take your
15 time, so we will give you plenty of time, but it's a
16 fair question you raise, and I just want to make sure
17 everybody understands the situation.

18 We have made a proposal at this point, so we
19 took the record up to, you know, last October. We

20 believed that with some conditions that we imposed, the
21 DOE operating plans for WIPP would meet our radiation
22 standards. We made that proposal, but we are still
23 open-minded, and we are out here this week, and we will
24 be reading all the comments we get -- you know, looking
25 for people to point out things we missed, or mistakes

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1 that they feel we made in our analysis.

2 We have made some proposals, and we have laid
3 out all the rationale for that proposal, and we are now
4 looking for people to comment on it and point out to us
5 problems they see. We will consider all that before we
6 make the final decision.

7 It was an opportune time to explain the
8 process for some who may not know, and I thank you.

9 Go ahead.

10 MS. WEST: Thank you. That was very
11 courteous of you.

12 I got to visit WIPP some time ago, and it was
13 really fun. It was like going to Disney Land. We went
14 down the elevators, and everybody treated us very well,
15 and I have on my mantle at home this wonderful round
16 object of -- "goody," I guess, from a borehole. You
17 can lick it and it tastes like salt.

18 A friend of mine recently was saying, "You
19 don't want me to lick that, Elizabeth." I'm going to

20 get radioactive exposure.

21 I said, "No, no. This is okay. This was
22 okay. This came out before anything was put in."

23 And I thought to myself: Well, maybe there
24 are a lot of people who really don't know, as I don't
25 know, whether it is going to be safe, as I believe you

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1 all don't know, as I believe many, many people don't
2 know.

3 So we are guessing, I think we would have to
4 agree. We have to guess. We are going to do our
5 guess, you are going to do your best guess.

6 And I'm not happy with guessing right now.

7 One last thing I was going to tell you, just
8 in case you get to thinking that, well, maybe we should
9 postpone this again, at the very least, perhaps even
10 reconsider it altogether -- which is not a bad thing to
11 do, and I want to propose to you that's not impossible.

12 When something gets rolling -- Say you decide
13 to get married. And you get the dress, get the outfit,
14 you call all your friends -- they have flown in from
15 Paris or Espanola -- and it's all ready. You've even
16 gotten your Jewish friends and your Black friends and
17 your Hispanic friends and your mother to agree with the
18 ex-husband -- you know, it gets complicated. It's a
19 lot like transporting waste. You make a commitment,

20 even though you haven't decided to exchange the rings,

21 or whatever your little thing is. You know.

22 And I think it actually is possible to not go

23 through with the wedding, because although it's

24 embarrassing, it actually potentially is, incredibly,

25 No. 1, enlightening, and, No. 2, a gift to the world.

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1 Many of us feel locally a reaction to this, but

2 actually we are part of a global community.

3 I read recently we are going to be able to

4 send some people to the moon -- maybe because there is

5 water there. But I want to propose it would be okay to

6 reconsider it and say no. I hope you will at least

7 think that way.

8 Thank you very much.

9 MR. WILSON: Next is Dr. Stanley Logan.

10 DR. LOGAN: My name is Stanley E. Logan. I

11 have a PhD degree in Nuclear Engineering and more than

12 48 years of engineering experience.

13 What is my background for presenting

14 comments? I have studied the WIPP site since 1972.

15 That's 26 years. This goes back to the time when it

16 was called the Los Madanos site, considered for

17 high-level radioactive waste, several years prior to

18 its designation, instead, for disposal of transuranic

19 wastes. I directed several studies employing a model

20 repository for high-level waste at the WIPP site as a
21 means of examining various possible options. One of
22 these studies completed at the University of New Mexico
23 in 1978 was sponsored by the EPA and developed the
24 first computerized Performance Assessment modality for
25 nuclear waste repositories.

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1 Continuing with studies of WIPP, I modeled
2 boreholes drilled into containers of the
3 contact-handled waste, remote-handled waste, and
4 boreholes down into possible pressurized brine
5 reservoirs below the Salado Formation. I reviewed DOE
6 nuclear criticality scenarios for potential releases.
7 Much of this work was as a consultant to the New Mexico
8 Environment Evaluation Group.

9 None of the results indicated more than
10 insignificant consequences to workers or members of the
11 general public.

12 Self-funded research I completed in 1992
13 demonstrated that preemptive releases from a brine
14 reservoir through drilling and pumping would provide
15 remediation if an intrusion scenario into the brine
16 reservoir developed as a barrier to compliance.

17 Review of the EPA Proposed Rule published in
18 the Federal Register shows that the EPA carefully
19 evaluated the enormous and extremely detailed CCA and

20 found section by section that DOE complies. The EPA
21 required additional analysis and information from DOE
22 where needed, and the EPA conducted independent tests
23 and simulations. The EPA carefully considered comments
24 from the public, and provided responses.

25 No amount of additional analysis or testing

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1 would satisfy WIPP critics. I believe many of the
2 critics are less concerned with safe disposal of TRU
3 waste than they are with preventing solutions to
4 nuclear waste problems in general. Their goal appears
5 to be to delay WIPP for a long enough time, and cause a
6 sufficient increase in costs, to discourage any and all
7 future applications of nuclear science.

8 An overall observation to be noted: For the
9 past 10 or so years the nature of TRU waste has not
10 changed, except for some radioactive decay, the
11 underground design has not changed, the basic waste
12 certification, handling, transportation has not
13 changed, geological and hydrological processes have not
14 changed. The WIPP was safe then, and it's safe now.
15 What has happened is there has been seemingly endless
16 administrative and procedural activity. There has been
17 an ever increasing attention to details in simulation
18 modeling. Most of the activity has dealt with
19 procedures, documentation, record-keeping, validation

20 of data and computer codes, and QA.

21 I strongly suspect that the total volume of

22 paper generated in recent years greatly exceeds the

23 volume of waste to eventually be placed underground.

24 This kind of reflects a comment by someone else on the

25 other side of the question.

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1 My observation is what has happened in recent
2 years has not changed the safety of WIPP. What it has
3 done is confirm the safety and provide assurances to
4 the public. I believe that QA programs which are in
5 place at the generator sites are consistent with
6 Part 194, and that the Waste Acceptance Criteria are
7 sufficiently specific for protection. I urge the EPA
8 to avoid imposing further complicating and unnecessary
9 procedural conditions on QA in the final rule.

10 I have prepared this statement and am
11 presenting it today on my own time, as I have for many
12 previous EPA and DOE public hearings. I derive no
13 income from WIPP-related work. I believe it is time to
14 stop frightening our citizens with untrue
15 misrepresentations, junk science, and emotional
16 theatrics by the antinuclear community, issue the
17 certification that WIPP will comply with EPA standards,
18 begin to move waste into the WIPP, and get on with
19 reaping the societal benefits nuclear science has to

20 offer.

21 Thank you.

22 MR. WILSON: Next is Parrish Staples.

23 MR. STAPLES: My name is Parrish Staples. I

24 would like to say for over 50 years nuclear waste has

25 been accumulating within the DOE complexes across our

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1 country. This waste has been stored in a variety of
2 configurations and locations. The possibility for
3 public contact with this waste must certainly be
4 reduced by storage underground.

5 Let me give one example of TRU waste in our
6 everyday lives to make a point.

7 It can be stated that a cesium-based smoke
8 detector is also TRU, transuranic waste material, by
9 the definition of WIPP waste. This is the same smoke
10 detector that is not just driving past our homes but
11 probably sleeps with us every night.

12 Now, let's not be mistaken. I'm very glad my
13 two children are protected by the smoke detector in the
14 bedroom; however, are we concerned citizens for nuclear
15 safety of the State of New Mexico ensuring that this
16 material does not end up in our local landfills,
17 landfills that are not designed to handle these
18 substances? Because there is little or no oversight
19 for our neighbors, these same neighbors that throw

20 their used motor oil down the drain, hazardous
21 chemicals in the garbage, or other trash along the
22 roadway.

23 In closing, my family and I would like to say
24 to representatives of the EPA: Thank you for the work
25 that you are doing to solve another one of our

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1 environmental problems.

2 Thank you.

3 MR. WILSON: Thank you.

4 Todd Rockefeller. Is Todd Rockefeller here?

5 (Note: No response.)

6 Next is Jean Nichols.

7 MS. NICHOLS: Thank you.

8 I don't really know what to say. I had
9 prepared a statement, but after all the testimony
10 tonight, you know, a lot of it has been said.

11 And it also seems there is a lot of
12 statistics on both sides, so I wonder why in this whole
13 long process we haven't gotten scientists from both
14 sides of the question to sit down in a room together
15 and perhaps work out some of the stuff. Obviously, you
16 can take studies and manipulate them in any way.

17 I feel we have been coming here for 10 or 20
18 years -- first it was to DOE, but now to the EPA --
19 testifying. And as far as the people against WIPP,

20 everyone has said do not transport waste, and yet never
21 in any of the stacks -- and I have received stacks back
22 of information from the EPA or the DOE -- never is
23 there any indication that all of our ideas and our
24 suggestions about leaving waste on site -- I haven't
25 seen any studies saying how much that would cost or

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1 whether it was even considered.

2 It seems that our testimonies are only taken
3 as a way to look at how to get around this and change
4 the regulations, or somehow, you know, come back and
5 figure it out in a different way so that you can
6 continue to keep WIPP on track.

7 It seems like the DOE has really been doing
8 their homework, because most of the Native Americans
9 that have spoken, with the exception of Harper, feel
10 like this is going to solve the whole LANL question.
11 And, obviously, it isn't. LANL has got, you know, so
12 much waste, we need to really look at that. I'd like
13 the EPA to look at LANL. And, you know, if TRUpact
14 containers are safe, then how many TRUpact containers
15 do we need to put all the waste in, and leave it at
16 the sites that are already contaminated? Does anybody
17 know that?

18 Certainly, it would cost less than all the
19 transportation costs put together.

20 I just saw a map of the country with all
21 these routes coming down to Carlsbad. It seems like a
22 scenario for people either trying to, you know,
23 hijack the trucks, or all the accidents. The fact
24 that it's going to now be allowed down St. Francis
25 Drive only between midnight and 6:00 a. m. doesn't make

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1 me feel like it's any safer. That is when the worst
2 DWI accidents happen. You know, it seems to me you
3 can't have it both ways. You know, if you are going to
4 allow lax DWI laws, then you can't have nuclear waste
5 on the highways.

6 I feel like all of our life we have been a
7 medical experiment in radiation, how the human body
8 handles radiation. Today is the anniversary of my
9 dad's birthday. He just died of bone cancer. I know
10 hundreds of people have died of one thing or another,
11 we can't prove it came from radiation, but you can't
12 prove that it doesn't.

13 You know, I understand that the radiation in
14 the northern hemisphere is 1,000 times that of the
15 southern hemisphere. We are an experiment.

16 If that is the case, and you want to continue
17 with this nuclear obsession, then pay for everybody's
18 health care. It would certainly be a lot less than the
19 four trillion dollars that we've spent on this defense

20 industry.

21 I feel like that it's not even just a medical
22 experiment, it's a psychological experiment. The
23 reason you don't have more people coming here and
24 testifying against WIPP is that people do not want to
25 think about it. You call us the lunatic fringe. I

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1 have been driven crazy by this. I am, you know, truly
2 on the point of insanity from even having to think
3 about this. It would be one thing if it was for
4 medical nuclear, or even for jet propulsion to get into
5 space. You know, that I can understand. I commend the
6 scientists, you know, for trying to explore other
7 worlds. That's all right. You know, that's human
8 nature to want to explore. But making weapons of mass
9 destruction is just not okay, you know, especially now
10 in the '90s. It's not okay.

11 I wonder why we keep coming back here to
12 testify when it doesn't seem that our testimonies are
13 taken seriously, they are just logged in, and you are
14 saying, "Okay. We allowed public comment."

15 You know, if we can spend, you know, \$29
16 billion each year on nuclear weapons, you know, why
17 can't we spend some of it on health care and on some of
18 the other things that we need?

19 You know, we keep coming back. How do we

20 keep from feeling hopeless about this? You know, I
21 guess the only way is to try to turn it around so that
22 we feel hopeful. And I don't know. We come back
23 because we feel like it's our duty, just as, you know,
24 maybe you feel it's your duty. Only I suspect you are
25 being paid to be here, and none of us are being paid to

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1 come here. I suspect that some people in this room
2 were.

3 But we come here with all of our heartfelt
4 feelings, and all it is, is it goes into this box with
5 our names that we have given testimony, but never do I
6 see anything come back saying, "Hey, we looked at this,
7 and we decided if you put it all in the TRUpact
8 containers and leave it on site, it would cost too
9 much." I haven't seen any of that showing that
10 happened.

11 Perhaps we do it for our children and their
12 children so they don't ask later, "Why didn't somebody
13 question this nuclear obsession?"

14 With so much money and momentum working for
15 the opening of WIPP, how do we make you realize, you
16 know, that it's not a safe thing? I know we are
17 fighting for common sense, and sanity, and the survival
18 of the species. Doesn't everyone want that? You know,
19 we would think so.

20 We want to envision peace as the accepted
21 norm, so we would like to envision that the defense
22 industry has to come here and plead and testify to us
23 for permission to transport nuclear waste. This would
24 be good. And when that happens, we will try to be as
25 fair and impartial as you've been with us, and we will

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1 try to take the testimony just as seriously as you have
2 taken ours, weighing all the facts to determine if
3 nuclear waste is worth the risk.

4 We will continue to try to keep an unsafe
5 WIPP from opening, because it's bad science,
6 environmental racism, dirty politics, and an insult to
7 the spirit of this beautiful land, and what it's really
8 about is warfare.

9 I heard I was going to be last speaking, so I
10 brought a little lullaby.

11 I'll only have time, probably, for a moment.

12 (Note: Bob Dillan tape played.)

13 MS. NICHOLS: Thank you.

14 MR. WILSON: Thank you.

15 We have a number of other people who have
16 asked to speak. Let me just check on a couple who were
17 here earlier.

18 Richard Palosi.

19 (Note: No response.)

20 Dr. C. Glendenning.
21 (Note: No response.)
22 Todd Rockefeller.
23 (Note: No response.)
24 Is Jay Shelton here?
25 MR. SHELTON: Yes.

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1 MR. WILSON: Okay.

2 MR. SHELTON: Thank you. It's been a long
3 wait. That's the way these things go.

4 I'm Jay Shelton. I'm a high school science
5 teacher, PhD, physicist by training. This is my third
6 vocation, and I love teaching high school science.

7 I look at this problem, inevitably, having
8 been trained as a scientist, in a quantitative way. I
9 have been for 20 years following this project, as many
10 of us have, and what's always had me and puzzled me, or
11 had been my questions, is to find the catastrophe which
12 would be consistent with the very, very deep fear as we
13 have seen tonight.

14 Being technically trained, what I have done
15 is read a lot of technical reports to find out where is
16 this great disaster, which, in fact, would justify our
17 fear.

18 I'm more interested in actual health hazards
19 and possible deaths than I am with compliance with

20 technicalities in terms of regulations, so I focus on
21 actually what would happen "if..."
22 I will talk about one specific example. I've
23 looked at a lot of them. For awhile I was focusing on
24 the transportation issue, and was satisfied by all I
25 read, and talking to the EEG scientists and engineers,

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1 that isn't much of a hazard. It's unlikely there would
2 be much chance for any human death.

3 The site itself, it seems to me, is the most
4 potentially critical thing. What if it does fail?

5 The presumption, clearly, among the people
6 who testified tonight is any failure anywhere in the
7 system is a catastrophe. To me, it's got to be more
8 than one chance in a million someone is going to die.
9 It's a thousand people dying.

10 So I want look for the catastrophe.

11 Specifically, the study I am talking about is
12 EEG 32, where the water comes to the Rustler aquifer,
13 moves to the Pecos, people drink the water, and what
14 happened. I think if that happens, at that point we
15 have to say: Well, what if it does fail? Also, how
16 bad is it?

17 I am not an expert, I'm just reporting what I
18 read. It is that the 50-year committed dose from a
19 year of drinking two liters a day -- you probably know

20 what the details are: 4.7 millirems. That is a
21 radiation dose which is one 100th of what typical Santa
22 Fe residents get from natural background. A little
23 more than that. It's the kind of dose that someone
24 living in Los Angeles visiting Santa Fe would get in a
25 week. Utterly trivial. No health consequences

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1 downstream; i.e., it's not that catastrophe I was

2 looking for.

3 There's others I looked into, but since I'm

4 short on time, I will not go into them.

5 These predictions, of course, were full of

6 assumptions. We were not going -- we are going to do

7 the experiment, perhaps, but in terms of anticipating

8 it, we have to make predictions. And yes there are a

9 tremendous number of assumptions, and all of very

10 uncertainties.

11 What makes me pretty confident there's no

12 catastrophe? When you have a number so low, even worst

13 case you still don't have a radiation dose where people

14 drink the water directly which results in detectable

15 health consequences.

16 Overall, I have not found a disaster.

17 I have tried to understand how we come to

18 this place where so many people feel there is a

19 terrible disaster lurking, where, as far as I can tell,

20 there's not a study done that says there is a disaster

21 out there waiting.

22 I think the primary issue is a

23 misunderstanding about how toxic plutonium is.

24 Plutonium is very toxic, and, as a nation, we have been

25 so careful of it that there hasn't been much problem

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1 yet concerning it.

2 I will give a few examples which I think may
3 put in perspective something about the toxicity of
4 plutonium.

5 Roughly, as I understand it, again -- I'm
6 going to say these out loud. These are going to be
7 controversial. I am looking for feedback. I am an
8 educator. For one thing, that means I am a learner.
9 If I am wrong, I want to be informed. I ask you and
10 everyone in the audience to give the specific
11 information.

12 I understand that 10,000 pounds of plutonium,
13 give or take a factor of two, has already been released
14 into the environment, primarily through weapons tests.

15 Has there been an observed consequence of
16 health for people in the world? No. Not expected to
17 be, based on animal experiments.

18 The test at the WIPP site the same, on a
19 magnitude, I think, on a factor two larger.

20 Every time we eat a meal on average it's
21 like, you know, we can consume a million atoms of
22 plutonium due to that release. Every adult body, on
23 average, has in the order of one billion plutonium
24 atoms, down from a hundred billion shortly after the
25 atmospheric testing. And I believe there's no health

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1 consequences. A billion atoms is a big number, but the
2 radiation dose that results is absolutely microscopic.

3 It's vital to think quantitatively. The
4 numbers can sound big, but the health consequences,
5 none. Roughly 99 percent of what any animal ingests
6 gets excreted, unlike some other radionuclides which
7 can get concentrated.

8 Here is the one I'd most like feedback on.
9 It's my understanding in the Western world, Soviet
10 Union, we don't have information -- in the Western
11 World it's my understanding that the total number of
12 deaths due to the toxicity of plutonium, radiological
13 and chemical, is somewhere between zero and one, and
14 that one is one of the fellows up at Los Alamos, which
15 is not -- you know, who died of cancer. That is not
16 unknown without the plutonium, but with plutonium more
17 likely.

18 The dose matters. When you ingest plutonium,
19 the toxicity is roughly comparable to that of Vitamins

20 D and caffeine to the equal quantities. I'm not saying

21 it's not dangerous, but just not the most dangerous

22 thing in the world.

23 I think that is the problem in terms of, you

24 know, public perception. The root cause I think is the

25 media chooses to put out stories which sell newspapers,

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1 which are scary stories, which make the public scared.

2 The other problem that I think is a serious
3 problem, in the quality of science education.

4 I'd like to just read one last paragraph or
5 describe it.

6 We had a debate at our school a few years ago
7 where we invited a WIPP representative and somebody
8 that represented a group against WIPP. We had a
9 debate. The last question asked was:

10 The public outcry about WIPP suggests there
11 must be a potential catastrophe with thousands of
12 deaths at risk. Do you know of any impact studies
13 that say potential catastrophe? If not, why are
14 you against it?

15 He replied, "No, I am not aware of any
16 studies, I just don't like plutonium."

17 Well, I don't like plutonium either, but most
18 taxpayers ask for more than personal likes and dislikes
19 when billions of dollars are at stake. This is a

20 technical and quantitative issue, and the decision
21 about the safety needs to be made based on these
22 issues. Fear-based decisions will result in billions
23 of dollars being spent to prevent imaginary hazards,
24 and a lack of money to spend on hazards that kill
25 thousands of people will be a consequence. I don't

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1 think that is humane to spend money where there aren't
2 risks and not spend where there are --

3 AUDIENCE MEMBER: We are grossly --

4 MR. WILSON: Ma'am --

5 AUDIENCE MEMBER: We are grossly contaminated
6 in the State of New Mexico and downwind of Los Alamos,
7 and people are dying of cancers left and right. Yes,
8 plutonium is very dangerous.

9 MR. WILSON: Ma'am. Ma'am.

10 MR. SHELTON: 22. Which the answer --

11 MR. WILSON: It's not going to work if
12 everybody interrupts.

13 AUDIENCE MEMBER: He wanted an answer. He
14 said plutonium is not dangerous.

15 MR. WILSON: Excuse me. We will take a
16 five-minute break. We have been up here for awhile.
17 We need a restroom break.

18 MR. MATTHEWS: Excuse me. I have a question.
19 Could you identify the EEG report you referenced there?

20 MR. SHELTON: Yes. 32.

21 MR. MATTHEWS: Just for the record. I'm sure

22 it's in the docket.

23 (Note: A short recess was taken.)

24 MR. WILSON: Okay. I want to do a quick

25 check on who's here.

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1 Is Richard Polasi here?

2 (Note: No response.)

3 Doctor C. Glendenning?

4 (Note: No response.)

5 Todd Rockefeller?

6 (Note: No response.)

7 Okay. Val Lucero?

8 (Note: No response.)

9 Scott Thomas?

10 (Note: No response.)

11 Tracy Hughes? Okay.

12 MS. HUGHES: Hi. Thank you for taking some

13 additional people. My name is Tracy Hughes. I'm a

14 resident of Santa Fe. I have a Bachelor of Science

15 degree, and also a law degree. I've worked for over

16 ten years in the field of environmental law, and

17 primarily in the public sector. Additionally, I worked

18 over eight years for the New Mexico Environment

19 Department, and during that time I was general counsel

20 for NMED, and during that time we settled an
21 Administrative Order against DOE for the largest
22 penalty that this state has collected.

23 The violations in that Administrative Order
24 were for -- primarily, for improper storage of mixed
25 waste at Los Alamos National Laboratory. That waste

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1 was and is WIPP-bound waste.

2 Rather than a DOE project that bilks the
3 defense industry and pours money into war-oriented
4 production, WIPP, I think, is an environmental
5 solution. Here, finally, DOE is looking for solutions
6 to the problems they have created over the years. WIPP
7 is one step by DOE in the right direction. WIPP is a
8 proper repository for radioactive mixed waste.

9 I'm not suggesting WIPP be allowed to open
10 because it is better disposal than the current
11 temporary storage facilities. It should be approved
12 because it complies with state and federal laws. The
13 EPA criteria that WIPP must meet includes protection of
14 human health and the environment for 10,000 years. The
15 modeling shows that salt deposits 2,000 feet below
16 ground in the formation is protective.

17 Testing DOE's modeling is required, and
18 public scrutiny is important. Groups such as EEG, the
19 EPA, NMED, are doing just that.

20 This is a project that has been and is being
21 analyzed, but for once DOE is proposing a project that
22 is solution oriented and not problem creating.

23 Thank you.

24 MR. WILSON: Thank you.

25 Ray Armenta?

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1 (Note: No response.)

2 Looks like Jai Lakshman.

3 MR. LAKSHMAN: Good evening Keith, Mary,

4 Richard, Larry, and Frank. My first name is J-a-i,

5 last name L-a-k-s-h-m-a-n.

6 I wanted to greet you and say good evening to

7 you because I don't think your names have been spoken,

8 and I think difficult as it is for me to be here, based

9 upon 20 years, as well as continuously showing up I am

10 attempting to continually recognize that there's people

11 here. And you are sitting there and we are seated

12 here, and there's people with differing views.

13 I am unhappy to report to you that after 20

14 years of doing this and being a part of this so-called

15 process, my faith has really dwindled in what the

16 process is about. That's not to say I have a lack of

17 faith as you in individuals, it's the process in its

18 entirety, and it's how the process is designed.

19 My background is in public health, and also

20 in philanthropy and how the two of those things work
21 together. I work in different parts of the world, as
22 well as this country, in seeing that hospitals and
23 health care is provided to people in need; it ranges
24 from Indian reservations here in this country to places
25 like Mexico, Guatemala, Bhopal and India. So I believe

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1 in terms of public health and safety we share that
2 concern and principle.

3 What this process has done for me is such
4 that when I arrived here tonight, I wasn't sure I could
5 even testify, because I didn't know what I could say,
6 what could possibly make a difference to your universe
7 and this collective universe here, because I think it
8 has all been said. And I think if anybody has the
9 longevity to read the public record over the last 20
10 years, they would see we keep having the same
11 discussion or discord about this issue. Yet I take
12 resolve and faith from something a mentor of mine,
13 Mahatma Ghandi, said, which is: Although what you do
14 may seem insignificant, it's very important that you do
15 it.

16 So I come to you tonight in that spirit.

17 This process, as I understand it, is about
18 your Certification, and your approval for DOE's
19 compliance of something that is being characterized as

20 having, in your definition, a lifespan of 10,000 years,
21 330 generations.

22 I don't think I've heard that many times
23 tonight, just what it is exactly we are talking about.

24 This country is slightly more than 200 years
25 old. I don't need to give you a history lesson. The

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1 A-bomb, Los Alamos, 50 years ago. So we are talking
2 about an order of magnitude far beyond any of us can
3 predict, even with the best science.

4 During these 20 years of hearings, which have
5 been in effect driven by DOE -- you are here because of
6 the DOE, I'm here because of the DOE and their approach
7 to this issue, the creation of the issue and what to do
8 about it. We are both here for that reason.

9 During the 20 years I want to share with you
10 some of the things that I have learned.

11 I'll characterize them in words.

12 DEIS, EIS, SEIS, FEIS, NEPA, EPA, RECRA,
13 FLPMA, TRU waste, TRUpact, and RODS.

14 Okay. There are some of you here who may
15 not -- I believe all you know what I am talking about.
16 It's the Draft Environmental Impact Statement, the
17 Environmental Impact Statement, the Supplemental
18 Environmental Impact Statement, the Final Environmental
19 Impact statement, the National Environmental Policy

20 Act, which I believe is the law which requires us to be
21 here and for me to have the opportunity to meet you,
22 HEPA, a filtering process about nuclear discharge,
23 RECRA, the Resource Recovery and Reclamations Act,
24 FLPMA, the Federal Land Policy Management Act.
25 Why have I come to know these words over 20

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1 years? I'm not a scientist. I'm a citizen. I'm
2 concerned. I may differ from a lot of the people in
3 this
4 room this evening that you heard about. I'm a resident
5 here, a resident for 22 years. I love this place.
6 It's my home. But I so strongly believe that this is
7 not a local issue. It certainly has local
8 implications, and everywhere that any part of the
9 nuclear process is, it is a local issue, and there are
10 local concerns, but you well know, and I well know that
11 this is a national issue with very complex implication
12 for the whole, entire nuclear generating process and
13 industry.

14 So I say that to you, because ten years ago
15 right up the street here, when I first became actively
16 involved in this issue, based upon having spoken to
17 scientists, based upon having spoken with the
18 scientists at EEG, based upon going to Washington,
19 sitting in hearings, I realized there's no way I could

20 ever really know the truth about whether this would
21 work or not work, whether it's safe or is not safe, but
22 that there was so much disagreement about whether it
23 was and whether it could or would, that something was
24 wrong. And something was either wrong with it, or,
25 more importantly, and more accessibly to me and what I

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1 can abide, something is wrong with the process.
2 Something is wrong with the process about how we get to
3 agree and disagree, how we get to know, and so on.
4 I would ask you -- You said your
5 recommendation has already been made, so I assume that
6 you're here to, as you said, learn new information to
7 see whether you need to make amendments or actually
8 change your decision. I would ask you, with all
9 respect, whether in the history of these hearings,
10 whether in the history of the NEPA process, whether in
11 the history of the DOE and EPA hearings, how many times
12 hearing testimony like mine and those here tonight
13 altered the final decision.
14 I saw the red light going on. I believe
15 I have 10 minutes as an organization. So I hope that
16 is true.
17 So I would really question the process. And
18 I would say that if I'm sitting in your seat and having
19 a decision of this magnitude and just at this time,

20 here all day and listen to this -- I watched you for
21 six hours trying to see how well you are able to
22 listen, not to criticize you, just have human interest
23 of how human beings in your position, trying to assess
24 what's going on here, how well you can hear my heart,
25 how well you can hear what I heard, and how well you

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1 can hear scientific information. It's a very difficult
2 process you are up against.

3 But I would suggest in the spirit of process
4 and information sharing, coming to agreement about
5 this, why isn't it discussed before the recommendation?
6 Why isn't the effort and the energy spent by the EPA or
7 whoever has a say in this to create the kind of
8 dialogue -- rather than for us to sit here as a
9 community and find out we are not only in disagreement
10 about this issue but we are in disagreement about an
11 uneven sharing of the facts, an uneven sharing of
12 what's actually going on here?

13 I want to share with you that 10 years ago
14 when I first got involved in the issue, I stood out in
15 the intersection just a few blocks from here and held
16 up a placard that said: Imagine a nuclear accident
17 here.

18 I didn't do this to be cute, I did this
19 because I have concern about this issue. I felt

20 something was gravely wrong, and I wanted to know, as a
21 member of this community, if anybody else thought the
22 same way I did. Okay.

23 The response from that was terrific, beyond
24 anything that I imagined, because I didn't imagine
25 anything other than: Are we concerned about this

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1 issue? Are we going to have it happen?

2 Subsequently what happened was EIS, the
3 hearings, and the lawsuits you are hearing of that the
4 State of Texas and the Attorney General of New Mexico
5 and environmental groups and concerned citizens, and so
6 on.

7 But I want to confess something to you I have
8 never said to anyone in public. What I learned ten
9 years ago was that the only way that this particular
10 community would really get involved in questioning
11 whether WIPP was right was to turn it into a local
12 issue. I was guilty of doing that myself by talking to
13 the fears and concerns that people had where it hits
14 them the most: At home.

15 Okay. I knew that, and used that as a
16 tactical approach to creating the dialogue.

17 Okay. I bring that up not out of any great
18 spirit to confess anything, but clearly to say what I
19 have heard here tonight from people ranging from the

20 surrounding areas of La Bajada, Cochiti, the Pueblos,
21 et cetera, is this dire urgency about waste at Los
22 Alamos that is negatively impacting them, that WIPP is
23 going to be the solution of.
24 I would submit to you, and I believe you all
25 know this, that aside from in its 30-year entirety WIPP

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1 being able to receive less than 1 percent of the
2 nation's nuclear waste, defense-related nuclear waste
3 inventory, WIPP, even if no more nuclear waste were to
4 be generated at Los Alamos starting right now would
5 only receive 4 percent of the Los Alamos total
6 inventory, only receive less than 2 percent of the
7 remote-handled, the hottest waste. And, on top of
8 that, we are being told by the Department of Energy
9 that WIPP's lifespan of 30 years, 60 percent of the
10 waste that is going to WIPP will be newly generated
11 waste, not the waste we are talking about.

12 So what are we talking about here, and who is
13 talking to the people in the communities and the
14 pueblos to say, "Oh, we were bad people. We are the
15 DOE. We screwed up, and now this is the solution."

16 I would submit to you, and with all respect,
17 because I know people that work in Los Alamos and work
18 with the DOE and I have respect for a lot of these
19 people, they are human beings, and I want to try to

20 keep it at that level, but I would submit to you that
21 if the DOE could be embodied in a person, this person
22 would be up a criminal charges, given their history,
23 given what's going on.
24 So we are being told by the DOE that you will
25 sign off on something that they are going to monitor

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1 and be accountable for themselves. And if I read your
2 plan correctly, your monitoring happens not on a daily
3 basis, it happens on a yearly or tri-yearly basis, if I
4 am correct. And they have to walk away?

5 I believe there is terrible misinformation,
6 confusion about the issue. And what I learned here
7 tonight is that in all these years, in all this
8 dialogue, all this politicking, all this whatever, the
9 issue still isn't clearly understood, clearly
10 understood enough so that the people and the scientists
11 and the politicians and you all who are acting,
12 supposedly, on the public's behalf can come together
13 and really understand it.

14 I take responsibility for the problem. I
15 love this country, I love this land. I have a father
16 who believes dropping the bomb on Hiroshima was the
17 appropriate thing to do. I may not agree, but I
18 respect the view, because that person is my father and
19 that person is a person.

20 We all have to take responsibility for the
21 problem, but we can't if we don't have the dialogue.
22 in terms of the dialogue, I appreciate how
23 long you have been sitting here -- I tried to stop in
24 Albuquerque. It's immense what you are trying to do.
25 But you are flying in a few days after a recommendation

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1 has been made. Allow the process to be a real process.
2 Allow it to be a healing process, if I can venture to
3 say that, where everyone, or as many people as possible
4 could be convinced as to what the issue is and what can
5 be done about it.

6 It's a national problem.

7 Lastly, I just want to say in terms of the
8 people, and there aren't very many from the surrounding
9 communities, there was a fellow here earlier that said,
10 that works at the labs and handles plutonium, and said,
11 quote, "It's not that bad a stuff. It's just gloves
12 and booties."

13 I would submit to you all if that is the
14 issue, then what is the rush of that stuff to get it
15 out of here? And is that truly the stuff that is
16 threatening the people on Cochiti Lake, and so on, and
17 around the nation?

18 Secondly, I found Stanley Logan's, who is the
19 nuclear physicist, comments interesting, saying that,

20 you know, "In the last ten years nothing has changed."

21 I think that's the clue to you all that I

22 want to share with you. In the past 10 years or 20

23 years, it seems to me nothing has changed, and if

24 nothing has changed, what we are saying is the U. S.

25 District Courts, the Attorneys General of the States of

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1 Texas and New Mexico, your own EPA, the environmental
2 evaluation groups, everything they have resisted or
3 rejected about WIPP's soundness, they are part of the
4 fringe group as well, nothing has changed.

5 And we need to change the way we look at it.

6 Thank you very much. Have a good night.

7 MR. WILSON: Rita Johnston. Is she here?

8 (Note: No response.)

9 Doris Fields?

10 (Note: No response.)

11 Jean Wheeler.

12 MS. WHEELER: Hi. My name is Jean Wheeler.

13 I spoke last year at the hearings.

14 My background is as an artist, basically.

15 I'm also a honor's graduate of an Ivy League school,

16 and I have to say I learned a lot about how the ways of

17 the world really work, as opposed to the way ideally I

18 thought it did, according to my feelings about life and

19 the planet.

20 The reason I'm in New Mexico is because about
21 three and a half years ago I had trouble kind of seeing
22 my future in front of me, and I was very scared. I
23 just -- I'm used to kind of feeling time in front of
24 me, and I couldn't see or feel anything. And I learned
25 in May that they were doing nuclear testings in

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1 Polynesia -- I was living in Hawaii at the time, so it
2 was quite close to me -- and I came here, because I
3 knew somebody who worked in the nuclear activist field,
4 and I wanted to know more about it.

5 That is how I got concerned about WIPP.

6 I can only say that, you know, my background
7 is in science. I feel I am reasonably intelligent, and
8 I've looked at a lot of the documents and so forth, but
9 after a while it's like -- I realize facts or so-called
10 facts, anything can be manipulated in any way to make
11 somebody's point, and after a while I just feel I have
12 to close my eyes, to go to intuition.

13 Something just feels wrong here, in addition
14 to any facts I might have read to point that out.

15 And I teach a lot of children in this whole
16 Northern/Central New Mexico region. I'm a ski
17 instructor. I teach hundreds of kids a week. And, you
18 know, I'm sure most people are aware that most children
19 don't have the immuno system or strength that adults

20 might have, and I would only say that a lot of these
21 children are incredibly beautiful spirits, and I think
22 if you could see them -- I don't have children myself,
23 but I feel almost everyone I teach is my child. And I
24 think if you could see them, you would want to give
25 them a bright future. And I'm talking about kids that

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1 help each other all the time, whether they be Native
2 American or Hispanic or White or whatever. You know,
3 they come from all over the country and settle here.
4 And I would only ask you to, please, you know, if you
5 can't think of your futures and your children's futures
6 and however else they might want to move around the
7 planet anywhere and have a safe planet, whether here or
8 in Mexico, where possible fluids could end up, just to
9 please at least search inside about that, and try to
10 make a decision thinking of all the beautiful people
11 that are out there in the future.

12 Okay. Thank you.

13 MR. WILSON: Sara Cohen. Is she here?

14 (Note: No response.)

15 Cohen I think it is. Conan?

16 (Note: No response.)

17 Jeff Burke. Is Jeff Burke here?

18 (Note: No response.)

19 Keith Mackintosh?

20 MR. MACKINTOSH: Here.

21 MR. WILSON: Okay.

22 MR. MACKINTOSH: My name is Keith Mackintosh,

23 and I also have attended a couple of other of these

24 hearings.

25 I don't have a lot to add to what people have

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1 said tonight. I do want to echo a few things, and one
2 is that the -- I think there's a lot of fear
3 surrounding radioactivity in general, and I think
4 perhaps that comes from the fact there's been a lot of
5 secrecy around it since its inception, and people have
6 told the public that things are being taken care of in
7 a very safe way, and then we find out later that --
8 well, you know, there are open pools of things at
9 Hanford Reservation, and there's Rocky Flats is kind of
10 a mess. And so I think that maybe there could be more
11 dialogue on that level of just, "Yeah, these are
12 mistakes we made, and we are not going to make those
13 mistakes any more because we know why we did that and
14 we are not going to do that any more."

15 The other thing is I kind of react to the
16 mayor -- I saw a letter to the editor in the local
17 paper from the Mayor of Espanola, and it kind of went
18 in the same category as things I've read about -- you
19 know, like the Governor of Colorado made a statement

20 recently saying WIPP should be opened quickly. This
21 stuff is like a hot potato. Everybody wants to get rid
22 of it and put it somewhere.

23 So I think you guys have a tough job.

24 There's a tremendous amount of momentum behind the
25 project already. Making sure it's done right and

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1 safely in some other way than already has been
2 programmed out would be difficult at this point. But
3 in this letter what I reacted to was the words the
4 Mayor of Espanola said. "Well, this is good science
5 and it should be -- we should just go ahead and do it."

6 I just think that the term "good science" is
7 kind of one that I have heard a lot at hearings, and I
8 don't think that -- I mean, science is basically
9 forming hypotheses and then they become provisional
10 truths until we learn more, and then are not true any
11 more. I don't think science is really predictive in
12 the sense we are talking about, you know, over a
13 10,000-year period. I think we are talking a big
14 experimental leap here. And it seems like people are
15 doing it in a well-considered way, but, you know, they
16 didn't choose somewhere next to San Francisco or
17 somewhere next to New York City, probably because there
18 is an element of risk to it.

19 And I just want to urge everyone to consider

20 all of the various things that surround this, and not
21 just the pressure that has certainly built up from
22 industry and the various elements of the nuclear
23 industry that would like to have a place to put their
24 garbage, basically.

25 So that is all I have to say.

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1 MR. WILSON: Okay. Thank you.

2 Is Don Smith here?

3 MR. SMITH: Good evening. My name is Don

4 Smith.

5 There were some very, I think, important

6 things have been said. I've been coming to the WIPP

7 hearings since '88, '89. I had a lot of thought

8 tonight about things. One thing I wanted to mention to

9 the EPA. It says, "EPA protecting your health and

10 environment."

11 What I would like to find out is how you good

12 people define good health and environment, because I am

13 in the health field. I'm an osteopath. I see a lot of

14 people who are well, who are half well or partly well,

15 and who are very ill.

16 I don't know who puts this together for you.

17 I have no complaints in regard to you good

18 people having probably good hearts and good minds, and

19 maybe instead of thinking from our minds we could

20 include our hearts and who we are.

21 What is man? What are we as a human family?

22 Are we in the Anadago (phonetic) nation, which is part

23 of the Iroquois? And in six nations of the Native

24 Americans, we are accountable for seven generations yet

25 to be born, and really in some of their literature we

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1 are also, in turn, actually accountable for the next 21
2 generations.

3 Now, WIPP is considered to be an infallible
4 and very determined and scientifically balanced and
5 legitimate project. We are expending -- I don't have
6 the figures in front of me, because I just found out
7 about the hearing so I didn't have a lot of time for
8 preparation to bring a lot of the statistical data that
9 I did in '89 and '92, et cetera.

10 If we, as a human family, wish to proceed, I
11 think, in some way with sanity -- we can already see
12 the effects of bad food. Drugs have exceeded -- just
13 in the last ten years, our crop industry has been
14 greatly affected by the depreciation of soils. Our
15 water is greatly depleted, our air is greatly depleted.

16 There are a number of things I could present
17 to you tonight. They don't find B12 in commercially
18 grown beets any more.

19 I'm trying to keep focused here, not

20 sidetrack, but there's so much involved here.

21 Here you are going to put a product, a

22 byproduct of our effort to so-called save the country,

23 and that is producing nuclear weapons. When do we stop

24 and sit back and think: Why are we doing this? Why

25 are we making chemicals that we know are detrimental to

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1 human self?

2 I did a study for Los Alamos Laboratories
3 back in 1987, and I studied 256 deadly chemicals from
4 butane to trichloromethane. 256. Many of them had not
5 been listed by OSHA as being detrimental to human
6 health at that time.

7 Now, we are just talking about chemical
8 waste. Chemical ingredients we have compounded
9 together to make plastics, to produce cleaners. Black
10 benzene is an example. Now we are involved in this
11 tremendously complex society. We are producing these
12 incredible byproducts of what we call Western
13 Civilization. We have this kind of, I think, urge to
14 diminish and to attack nature, and yet we ourselves are
15 these principles embodied in nature. The way our blood
16 flows, the way our neurons fire, all these things come
17 into play as a living creature in physical form.

18 So who are we? What are we trying to
19 accomplish here?

20 I am neither for nor against WIPP, but I am
21 finding that our -- just as Larry said, our process of
22 how we go about the dialogue.

23 You are up here behind the table, I'm out
24 here as a public citizen. You will forget about me,
25 who knows, in two weeks. My talk here will be

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1 absolutely of no relevance to the real underpinnings,
2 as you see them, because of a pile of literature your
3 people probably have to read and take home and have
4 headaches about, and take aspirin or Tylenol or Advil--
5 which are hard on your kidneys, by the way.

6 So where do we go with regard to how we can
7 correct this tremendous illusion we have created that
8 we are creating a healthy environment and a healthy
9 human society where it's not?

10 We have more crime now. All you have to do
11 is pick up the paper -- especially in Washington D. C.
12 So you're going to go back there, because you don't
13 live here, you don't even know who half the people are,
14 how we exist or co-exist here. It's very unfortunate.
15 I'm unfortunate because I don't live back in your
16 town -- not that I would want to. Maybe you don't want
17 to live here, because it's sunny and sandy and deserty.
18 We have lizards, rattlesnakes, et cetera. You people
19 don't have that back there. You use the sidewalks.

20 So we have this impression that we have to
21 the modernize nature. So you come to Carlsbad, dig a
22 hole down there, and say, "We are going to put this
23 stuff there, because we don't want it back on the
24 Potomac River."

25 I know I have a short time here.

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1 The point I am trying to make is all of us
2 are going to have to search our souls and hearts. We
3 will have to pay for what we consume in some manner or
4 way. None of us will escape these principles of how
5 this universe operates. And it operates very, very
6 exactly.

7 Mr. Fuller, 10 and 1/2 years ago, one of the
8 statements he said is: Humanity is coming through a
9 group womb of permitted ignorance. Beyond that
10 humanity, if we survive, nature is not going to
11 tolerate any more of our nonsense. Unquote.

12 Now, he wrote several papers. One was called
13 Earth Incorporated. How to totally abolish any
14 further use of nuclear materials.

15 We are on this tiny thing called the Space
16 Ship Earth, 8,000 miles in diameter. If you were to
17 take a 12-inch globe and blow it up and use it in ratio
18 to the actual dimension of the planet (sic) and breathe
19 on it, your breath would be 100 times deeper than the

20 trench or the actual size of this planet. That is how
21 fragile it is.

22 It's been Western society that's polluted the
23 planet, so obviously we are going to have to pay for
24 our misdeeds here, our misinformation.

25 This country was based on honesty, I thought.

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1 I don't believe way down deep inside anybody here is
2 really dishonest, but I think what happens is we get
3 caught up in the machinery of the politics,
4 beaurocracy, and how we are taught to lie, how we're
5 taught to be dishonest.

6 And where do we draw the line of our own, not
7 only personal integrity but our integrity to our fellow
8 human beings? Do we have a representative of the
9 people by the people for the people? Can you really
10 say that honestly to us, to yourselves, and to
11 generations yet to come?

12 No.

13 We have to look at those things first before
14 we talk about WIPP.

15 The information -- Why are we being so
16 secretive? Because we have got something to hide.
17 Because we know there is an element that is not true in
18 our conscience, in our hearts.

19 And none of us are separate. We are all

20 somehow connected. All of us. I don't care if you

21 live in Tasmania --

22 MR. WILSON: Your time is well up. If you

23 can conclude.

24 MR. SMITH: My closing statement is this:

25 There have been a lot of good people who have talked

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1 tonight about this, and apparently you people have
2 already made decisions about this. I will make a quote
3 from Nostradamus: Those who fabricate the fireball
4 shall perish and burn in it. The Lords of tumult are
5 to perish in their own disasters.

6 Thank you.

7 MR. WILSON: Thank you.

8 This concludes the list of people I had who
9 wanted to testify. Is there anybody here who wants
10 to speak tonight? We will be here again at 9:00
11 o'clock tomorrow morning and for most of the day.

12 Thank you all for coming.

13 (Note: Proceedings adjourned at 10:45 p.m.)

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1 STATE OF NEW MEXICO)

2 :SS

3 COUNTY OF TAOS)

4 REPORTER'S CERTIFICATE

5 I, MARY THERESE MACFARLANE, do hereby certify

6 that I am a duly licensed Certified Court Reporter for

7 the State of New Mexico; that on the date of January 8,

8 1998, I reported the hearings before the Environmental

9 Protection Agency held in Santa Fe, New Mexico from the

10 hours of 7:00 p.m. through 10:45 p.m., and that the

11 foregoing transcript, consisting of pages 1 through

12 138, inclusive, was prepared from my stenographic notes

13 of said hearing, and is a full, true and correct

14 transcript of the testimony given at said hearing,

15 prepared by me to the best of my ability.

16 Dated at Taos, New Mexico, this 12th day of

17 January, 1998.

18

Mary Therese Macfarlane

19

Certificate No. 122.

License expires: 12-31-98

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