

WIPP Library



STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
HAZARDOUS AND RADIOACTIVE MATERIALS BUREAU
Harold Runnels Building
1190 St. Francis Drive
Santa Fe, New Mexico 87503

IN THE MATTER OF INTENT TO HOLD
PUBLIC COMMENT MEETINGS ON THE
TECHNICAL ASPECTS OF THE PART B
WIPP APPLICATION SUBMITTED BY
THE U.S. DEPARTMENT OF ENERGY, AND
WESTINGHOUSE ELECTRIC CORPORATION,
WASTE ISOLATION DIVISION.

TRANSCRIPT OF PROCEEDINGS

NOVEMBER 9, 1992

BE IT REMEMBERED, that on the 9th day of
November, 1992, this matter came on for public comment
meeting before Tom Duker, Chairman, New Mexico Environment
Department Public Meeting on the WIPP Permit Application
process, before Betty J. Lanphere, RPR-CP-CSR, Court
Reporter and Notary Public, of the firm of Lanphere
Reporting Service, 58 South Federal Place, Santa Fe, New
Mexico, at the Elephant Butte Irrigation District
Auditorium, 530 S. Melendres, Las Cruces, New Mexico,
commencing at the hour of 9:00 a.m.

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A P P E A R A N C E S

Kathleen Sisneros, Director, New Mexico Environment
Department, Water & Waste Management Division

Benito Garcia, Chief, Hazardous & Radioactive Materials
Bureau, New Mexico Environment Department

Susan Collins, WIPP Permit Coordinator, New Mexico
Environment Department

Connie Walker, Consultant, A. T. Kearney Company
John Darabaris, Consultant, A. T. Kearney Company
June Drieth, Consultant, A. T. Kearney Company

Patty Baratti-Sallani, Department of Energy

Jack Johnson, Westinghouse

Tom Duker, Moderator, New Mexico Environment Department

P R O C E E D I N G S

November 9, 1992

1
2
3 MR. DUKER: Good morning. Welcome to the New
4 Mexico Environment Department's Public Information meeting
5 on the WIPP Permit Application process.

6 While the New Mexico hazardous waste regulations
7 do not require these meetings, the department is requesting
8 input from citizens early in the process. It needs to be
9 emphasized that this permit application is only for the Test
10 Phase at WIPP and does not include a request for permanent
11 disposal of mixed waste at the WIPP site.

12 The requirements and details of the permit have
13 not been totally formulated. That's the reason for these
14 meetings, to include your input in the upcoming drafting of
15 this permit. Formal hearings, and I emphasize hearings,
16 will be conducted at a later time when the actual permit has
17 been drafted.

18 In order to provide time for all interested
19 persons to express their thoughts, we've instituted a basic
20 procedure for the conduct of these meetings:

21 If you wish to make an oral presentation, please
22 sign up for an available time at the table by the door.
23 This will be on a first-come-first-serve basis. You will be
24 called upon at the time for which you have signed up. You
25 may make a statement or you may make a presentation or ask

1 questions, but you're requested to stay within the allotted
2 time so as not to take away from the others who might follow
3 you. All oral presentations will be recorded by our
4 reporter here.

5 If you wish to submit any written material,
6 please do so at the sign-up table. A register's been
7 provided to log in and number submitted written material.
8 All written input will be read and studied thoroughly.

9 In order to receive a summary at a later time,
10 please, when you sign up, give your name, title, if any,
11 your organization, and your mailing address. And please
12 print clearly and you will receive a reply.

13 Please comment on the issues at hand, the WIPP
14 permit application for the Test Phase. The New Mexico
15 Environment Department wants to hear from you and from as
16 many citizens as possible. In order to accomplish this and
17 be fair to everyone who wishes to comment, it is important
18 that all individuals stick to the particular issue at hand
19 and stay within the allotted time.

20 These meetings are very important for all of
21 us. Demonstrations and other disruptive behavior cannot be
22 allowed at these meetings. They will only serve to cause
23 delays and prevent others from being heard, and in an
24 extreme case, the meetings to be terminated.

25 As was mentioned, this is the very beginning or

1 one of the earlier of the WIPP permit application process.
2 Some questions might not be able to be answered at this
3 time, simply because we are in the process. Future formal
4 hearings will be held once the draft is written, but as your
5 input here today that will help influence this document.

6 As these meetings will run from nine o'clock in
7 the morning to nine o'clock at night, obviously there will
8 be a need to take a number of breaks during the day. We
9 plan to take 10-minute breaks at two o'clock, 3:30, and
10 7:20, as well as a 40-minute break for lunch at 11:20, and a
11 one-hour recess for dinner at approximately five p.m. For
12 your information, obviously there is no smoking in this
13 room. Rest rooms, if you're interested, both men's and
14 women's are out that back door and just slightly down the
15 hall on the left. There are, I understand, no public phones
16 here. You need to make a call outside.

17 At this time I would like to introduce the
18 participants in this meeting. In the back of the room is
19 Kathleen Sisneros, who is the Director of our Water and
20 Waste Management Division at the New Mexico Environment
21 Department; Benito Garcia, who is the chief of our Hazardous
22 and Radioactive Materials Bureau; Susan Collins, our WIPP
23 Permit Coordinator.

24 From A. T. Kearney, who are consultants with us,
25 in the back of the room is Connie Walker. Sitting over here

1 is John Darabaris and June Drieth, right here by the
2 overhead.

3 From the U.S. Department of Energy, right over
4 here we have Patty Baratti-Sallani -- did I get that right
5 -- and from Westinghouse, Jack Johnson. There is a
6 representative from CCNS here at the sign-up table. If you
7 wish to receive their mailings, Tammy Smith.

8 At this particular point we will now have a
9 brief presentation by Susan Collins, who is -- as I
10 mentioned, is our WIPP Permit coordinator. Susan is with
11 the New Mexico Environment Department Hazardous and
12 Radioactive Materials Bureau. She will repeat this
13 presentation again at twelve noon and also six o'clock this
14 evening. Susan?

15 MS. COLLINS: For those of you folks coming in,
16 I think we'll just do them over.

17 MR. DUKER: Okay.

18 MS. COLLINS: You have heard this introduction
19 by Tom Duker who gave some brief information about what we
20 are doing, why we're here. He introduced the participants.
21 I'm Susan Collins. I work with the New Mexico Environment
22 Department as the WIPP Permit Coordinator.

23 In the time that I have this morning I would
24 like to give you a brief view of the permitting process and
25 then specifically address the status of the WIPP Part B

1 application. To do this I'm going to address three key
2 issues: Why is the State of New Mexico reviewing the WIPP
3 application? What is the application? And what's the
4 status of our review?

5 Okay. First question is why is the State of New
6 Mexico reviewing it? "To obtain the legal rights to treat,
7 store and/or dispose of regulated hazardous waste, a
8 facility must formally apply for Resource Conservation and
9 Recovery Act permit, commonly known as the RCRA Part B
10 Permit."

11 DOE/Westinghouse has submitted a RCRA Part B
12 permit application through the WIPP Test Phase. This Test
13 Phase is a period of time during which various tests will be
14 performed there. During the Test Phase DOE/Westinghouse
15 wants to store hazardous waste there that is mixed with
16 radioactive waste, hence the term "mixed waste." This
17 activity requires a RCRA permit. I would like to point out
18 that our regulatory authority, meaning the State of New
19 Mexico, is over the hazardous component of this mixed
20 waste. Because the radioactive component can't be separated
21 from the RCRA hazardous waste, New Mexico Environment
22 Department regulates it all or reregulates mixed waste. An
23 example of the mixed waste might be a glass beaker that's
24 contaminated with both a radioactive and hazardous waste.

25 Now, we know why we're reviewing the WIPP

1 application. This is a facility that's going to conduct
2 tests on stored and mixed waste. Let me tell you what's in
3 an application and then I want to go a little further and
4 give you a stance on where we are now with both the
5 administrative and technical review. The application is
6 broken into chapters. This is Volume 1 of seven volumes.
7 The chapters I'm referring to are the various chapters in
8 this. All the other volumes are being basically appendices
9 and this is the chapter, the Volume 1 that we're reviewing.

10 First chapter is called the Part A, consists of
11 several standardized forms. It provides us with general
12 facility information, gives us the name, gives us the EPA ID
13 number, tells us where it is, who the owner and operator is,
14 tells us the type of hazardous waste activities that are
15 going to be conducted there, what's the volume of waste and
16 what types of waste will be handled.

17 Chapter B is a general description of the
18 facility which expands the information provided in Part A.
19 Typically Chapter B is a detailed description of what
20 business is conducted at the site. It gives a physical
21 portrait of the site, what does it look like, and then a
22 brief description of the RCRA units. We call RCRA units
23 "hazardous waste management units." In this chapter, for
24 example, we want to know if the facility is in the hundred-
25 year flood plain. We want to see topographic maps. We

1 would like to know the boundaries of the facility. We would
2 like to know about traffic patterns on the site, itself.

3 Chapter C of the RCRA permit application
4 addresses analysis and characterization of the hazardous
5 waste which will be handled during the WIPP Test Phase.
6 This chapter must include all the information needed to meet
7 the regulatory requirements to properly store and manage the
8 waste at WIPP during this Test Phase. Specifically we look
9 at what are the waste? Why are they hazardous? How would a
10 lab treat the hazardous waste -- excuse me -- How would a
11 lab treat the hazardous waste to see what the waste
12 contained? In summary, we want to know in Chapter C the
13 hazardous waste destined for WIPP has been properly
14 characterized so that it can be properly managed there
15 during the Test Phase.

16 Chapter D: This chapter really provides the
17 nuts and bolts of the unit designs. What are the units like
18 and how will the waste be managed in these units? It
19 provides a discussion of the processing that go on with the
20 handling and storing of the waste. This chapter gives us
21 the physical look see of what's happening there, the
22 physical parameters. What's the unit made of? Is it
23 steel? Is it concrete? What are the dimensions? It's a
24 very detailed description of the chapter. Lots of design,
25 lots of detailed information.

1 Groundwater monitoring: Chapter E of the Part B
2 permit application provides a complete description of
3 measures to be taken to protect groundwater from
4 contamination. This section or chapter was extensively
5 evaluated by EPA as part of the no migration petition.

6 "Chapter F: Procedures to Prevent Hazards."

7 This provides a discussion of procedures followed at the
8 WIPP site to prevent hazards associated with each hazardous
9 waste management unit. The chapter provides a description
10 of security procedures and equipment, and it outlines
11 inspection procedures and schedules.

12 The contingency plan, Chapter G, outlines what
13 the facility will do to respond to an emergency such as a
14 fire explosion or an unplanned event. Note the difference
15 between Chapter F and Chapter G.

16 The first, F, has to address how to prevent the
17 hazard from occurring, but the contingency plan in RCRA
18 requirement has to address what the facility will do if an
19 unplanned event occurs. Specifically, it tells us who the
20 emergency coordinators are. It gives us an evacuation
21 plan. It tells us what will trigger an emergency response.
22 Also it describes the reporting requirements to the local
23 state and federal agencies. And finally it describes how a
24 similar emergency would be prevented.

25 The training chapter, Chapter H, describes the

1 training people receive to operation and maintain the
2 facility. Also includes an outline of training programs,
3 job title and descriptions. It gives the content of the
4 training programs, and very important for us, it lists the
5 emergency response training that personnel have.

6 Chapter I is our closure chapter. It describes
7 how each hazardous waste management unit will be, clean
8 closed at the end of its Test Phase life, and how final
9 closure will be conducted. The plan must describe how the
10 facility will remove any hazardous waste, and then sample to
11 verify that the remaining area is free from contamination.

12 It also has to provide an outline of all closure
13 activities, as well as providing a schedule for those
14 activities. The State of New Mexico will require WIPP to
15 clean close. This means that all waste will be removed from
16 the subsurface as well as from the waste handling building
17 at closure.

18 Okay. Now, we know why we're reviewing the
19 application to this waste. We know what's in the
20 application is broken into chapters with a great deal of
21 information. How do we determine if the application is
22 complete? We begin with an administrative review and then
23 we proceed to the technical review.

24 I would like to discuss now with you the
25 administrative review. Once a facility has submitted an

1 application, our first step is to determine if the required
2 information is there. If you want to visualize a hundred
3 piece puzzle as a part of the application, and I needed to
4 make a determination if it was administratively complete, I
5 would count to see if there were a hundred pieces of the
6 puzzle there. I wouldn't consider if the pieces were bent.
7 I wouldn't consider if the pieces were folded. I wouldn't
8 consider if the pieces would go together to make a complete
9 puzzle. I would just look to see if they were a hundred
10 pieces.

11 For the Part B WIPP application, we would want
12 to know if all the chapters were there. For instance, is
13 there a contingency plan there? Is there a closure plan
14 there? But we would not evaluate it on technical merit. We
15 would just want to know if it's all there. The
16 administrative requirements found in the regulations are
17 what guide us in this particular review. The Part B for
18 WIPP has been reviewed by NMED staff and in fact determined
19 to be administratively complete. This does not mean that
20 the application is complete and that WIPP has a permit, but
21 rather it means that all the required pieces of the
22 application as defined by the regulations are present.

23 With administrative review complete, we move to
24 the technical review. This is an in-depth evaluation of the
25 permit application. The purpose of the evaluation is to

1 determine if the application satisfies the technical
2 requirements of RCRA.

3 During the interactive period of the technical
4 review, I rely entirely on these regulations for guidance to
5 know what to ask and conversely to know what I can't ask.
6 This, again, is an interactive period between staff and the
7 applicant. Any deficiencies or weaknesses identified during
8 this technical review that might require submission of
9 additional materials or modifications are relayed to the
10 applicant.

11 When we request additional information we can do
12 it either informally, say, in working meetings, by telephone
13 or letter, or it may become a more formal notice which we
14 call a "Notice of Deficiency." Again, the purpose of the
15 technical review is to determine if the application
16 satisfies the technical requirements of RCRA.

17 To summarize, the technical review is
18 interactive. It's ongoing. We meet weekly with the
19 applicant. We ask for data. We ask for modifications to
20 the application. We ask for a great deal of additional
21 information. This is where we are now in the permitting
22 process.

23 What is unique to the process is the meetings we
24 are now engaged in. At the direction of Secretary Espinosa,
25 we have scheduled these public meetings to involve the

1 public in the permitting process before the state, either
2 write the draft permit or write the notice of intent to
3 deny. This is your opportunity to be involved, to give us
4 your technical comment on the application or your concerns
5 in general.

6 What happens after these meetings? I go back to
7 Santa Fe and we finish the technical review. I'll review
8 the public comments and incorporate those where it's
9 appropriate. DOE/Westinghouse will receive our formal
10 communication. That will be a Notice of Deficiency. That
11 will list any outstanding concerns or deficiencies still
12 existing in the application. They will respond with another
13 revised Part B application. We will review that revised
14 application, and at that point make a tentative decision to
15 either write draft or the Notice of Intent to Deny.

16 We go through public comment. This is a RCRA
17 requirement. We will have a hearing. And at that time the
18 NMED will respond to comments from those hearings,
19 incorporate those into the permit, and a final permit will
20 be submitted to the Secretary for her decision. That is the
21 conclusion of my presentation. Thank you.

22 MR. DUKER: Thank you, Susan. At this
23 particular time there will be a presentation by Patty
24 Baratti-Sallani from the U.S. Department of Energy. And
25 then after that we will proceed to comments from those of

1 you who have signed up over here to speak. If you who
2 arrived late weren't here when I originally gave my opening
3 statement, if you do wish to speak at these, we have a sign-
4 up roster over here so that we can get the people in order.
5 I do have a couple here that will start after this. And if
6 any of those others of you wish to speak, please go to the
7 table there and sign up for a particular spot.

8 MS. BARATTI-SALLANI: Good morning. I'm Patty
9 Baratti-Sallani of the Department of Energy at the WIPP
10 project. The WIPP project was authorized by the Congress of
11 the United States as a result of Public Law 96-164 which was
12 the Department of Energy of 1980. Congress intends for the
13 WIPP facility to demonstrate the safe disposal of
14 transuranic waste that results from the activities of
15 various defense activities within this country. Recently
16 the congress restated its intent and the WIPP Land
17 Withdrawal Act of 1992 when it provided the DOE with a set
18 of prerequisite activities that are to be completed prior to
19 the initiation of waste management activities at the
20 facility. One of the mandates is compliance with the
21 applicable environmental laws and regulations, including the
22 Resource Conservation and Recovery Act, (RCRA), and the
23 State of New Mexico's equivalent law, the New Mexico
24 Hazardous Act.

25 The permit application that the NMED is

1 currently reviewing is one of the steps that the DOE has
2 taken to comply with the New Mexico Hazardous Waste Act and
3 the Resource Conservation and Recovery Act. The DOE is
4 subject to the New Mexico Hazardous Waste Act and to RCRA at
5 the WIPP facility because much of the waste is transuranic
6 mixed waste. That is, it is a radioactive waste that
7 contains chemicals that are regulated as hazardous waste
8 under the New Mexico Hazardous Waste Act and under RCRA.

9 In order to satisfy the requirements of the New
10 Mexico Hazardous Waste Act and RCRA, the DOE submitted the
11 permit application in February, 1991, following a written
12 request from the Director of the Environmental Improvement
13 Division NMED's predecessor. The NMED initiated their
14 process of administrative review and issued a notice that
15 the application was administratively complete in July of
16 1992. During their reviewing and in response to NMED's
17 request, the DOE submitted supplemental information in the
18 form of a revision to the application. This version of the
19 application has been made available to the public in the
20 spring of this year at numerous reading rooms throughout the
21 state, including the Thomas Brannigan Memorial Library here
22 in Las Cruces.

23 Currently the DOE is responding to requests for
24 additional information and clarification as NMED progresses
25 through the technical review of the application. The

1 application is limited to the Test Phase which includes
2 tests with transuranic space designed to provide the DOE and
3 the technical community with information that will be useful
4 in making decisions regarding permanent disposal of
5 transuranic waste at the WIPP facility. This decision is
6 still many years off and will be made after the DOE has
7 demonstrated that the WIPP facility can isolate the waste
8 for thousands of years.

9 Congress has recently required that the
10 Environmental Protection Agency must review and certify the
11 DOE's demonstration of the WIPP facilities adequacy.

12 Further, the EPA will have to involve the
13 public, including the State of New Mexico in their review
14 process. The DOE is very interested in what the public has
15 to say concerning the permitting process. The DOE has used
16 the benefits of numerous public meetings in shaping the WIPP
17 program, and values the opinions of the public. We and our
18 managing and operating contractor, Westinghouse, appreciate
19 this opportunity to hear first hand the public's comments on
20 the permitting process. Thank you.

21 MR. DUKER: Thank you, Patty. Before we proceed
22 to hearing from those of you who have signed up, I would
23 like to just reiterate a bit, especially for those of you
24 who were not here when I gave my opening statement.

25 We really want to hear from anyone who is

1 interested in speaking here, but in order to do this it's
2 very important that you do sign up and also that you stick
3 within the time allotted, which is ten minutes per
4 individual. And also to stay on the particular subject at
5 hand, which is the WIPP Test Phase Permit Application
6 Process. I do have some people here who have indicated they
7 would like to speak. First one is -- I hope I get this
8 right here -- Stephen Kahn.

9 Okay. Sir, would you care to come up here so
10 that the court reporter can hear you? And if you would --
11 For her recording, if you would give your full name and any
12 organization you may have to represent.

13 MR. KAHN: My name is Steven Kahn. I am the
14 Executive Director of Alaska Public Interest Research Group,
15 that is APIRGC. I'm am actually an Alaskan resident,
16 although my wife and son have lived for many years here in
17 Las Cruces and I happen to be here. And, ironically, my
18 work here at this time has much to do with the current phase
19 of the WIPP project.

20 In Alaska we have discovered that the AEC, the
21 predecessor to the Department of Energy, as part of a
22 project known as "Project Chariot," a would be project to
23 create a natural harbor through the detonation of
24 thermonuclear devices in northwestern Alaska between the
25 Villages of Point Hope and Kivalena in far northwestern

1 Alaska, that there was a Test Phase. This was recently
2 discovered. That Test Phase involved the introduction of
3 radio nuclei into test plots, and ultimately the bundling
4 up of those radio nuclei, including material from Project
5 Sedan that was above-ground nuclear test in Las Vegas into a
6 nuclear dump.

7 Now, about a month and a half ago, an archive
8 has discovered that nuclear dump through reading of the
9 materials. And so what has -- the problem that the federal
10 government and the State of Alaska and the native population
11 are now addressing in Alaska, without going into great
12 details, and my time being very limited, is that for 30
13 years radioactive material was sitting in a prime hunting
14 and fishing area used for hundreds of years by the Alaskan
15 natives. There is now a movement afoote to react to that
16 scenario. All right?

17 That material was put in there in order to
18 better create a hypothesis much on a parallel to this
19 situation with what might occur should those thermonuclear
20 devices be detonated, the impact on the groundwater and the
21 soil and the animal population and so forth. What occurred,
22 however, was that at this stage questions regarding
23 contamination of the water, the soil, the animal population,
24 including the carabao and those who consume it to a great
25 extent; that is to say the Eskimo people of that region are

1 now on the table.

2 The Eskimo people for many years in that part of
3 the world have suggested that high levels of cancer among
4 their population was caused by radioactivity. However they
5 thought that it was radioactivity resulting from above-
6 ground testing in the Soviet Union or something going on in
7 the Soviet Union. In fact, it had to do with material that
8 was left behind by a federal agency in an unprotected
9 fashion. I'm speaking of material that was left in the
10 ground, covered by four feet of surface material. And the
11 Department of Energy now claims that they simply forgot
12 about this material and that the information did not pass
13 forward.

14 Obviously the congressmen, our senatorial
15 delegation and our state are quite concerned about this.
16 Our state was a very young state when this occurred in the
17 early 1960s. Everyone wants to see that material cleaned
18 up. But now this brings me to kind of what I would suggest
19 on a parallel track with your own endeavor as of this moment
20 and given my limited knowledge, very limited knowledge at
21 this moment.

22 One thing we have available to us to assess the
23 levels of contamination of groundwater, etcetera, and the
24 population are control studies. Control studies were done
25 in an interdisciplinary fashion in this very isolated area

1 covering environment, water and population in the early
2 1960s by a scientist on contract with the Atomic Energy
3 Commission. So we know exactly what the nature of that
4 creek, it's flow, the creek where this nuclear dump is, and
5 on how it flows into the Chuchi Sea. There was a body count
6 of all the radionuclei of all the native population. In
7 other words, there were base line studies done and
8 published. And those exist as a mode of comparison with
9 studies that undoubtedly will occur now in coming years of
10 the same factors to determine what damage has occurred from
11 this abandoned nuclear waste dump.

12 I would certainly recommend that control studies
13 be done as a part of this plan as well. I would certainly
14 recommend that as part of the cleanup and completion of this
15 project, that there be comparable studies done so that you
16 have direct linear modes of comparison governing all the
17 things that you're interested in which are precisely the
18 things that we are now interested in Alaska, which is to say
19 water, ground -- impact on water supply, impact on ground,
20 impact on population, etcetera, etcetera, etcetera. Now,
21 this may not be that easy to accomplish. In our case, if we
22 just take the Alaskan native population, it so happens that
23 most of them go to the Indian Health Service. And so data
24 of a historical nature is available related to cancers, for
25 example, in a single place.

1 In your situation you're dealing with a
2 multiplicity populations of many ethnic groups, but
3 nonetheless, if the work is to be done it has to be done as
4 a prelude to an experiment. If you are going to have
5 controlled studies, if you are going to be able to control
6 and contrast down the road and really accomplish what you're
7 seeking to do.

8 I would also encourage you to not only make the
9 studies. Studies are obviously quite mammoth in detail and
10 geared to the technical expert. If there could be synopses
11 -- and most especially the plans very definitely should be
12 published out -- and I hope they have been -- in all the
13 prevalent languages of the New Mexico community. That
14 certainly includes Spanish as well as English. And I would
15 certainly encourage the plans to be replicated, if not in
16 written fashion, in oral fashion so that the Indian tribes
17 of the area to be impacted can have these in their native
18 languages and be able to apprise themselves of the situation
19 here.

20 Now, finally I would say in my closing that if
21 there is one thing that we learn in Alaska from this
22 terrible experience that we're now trying to react to, it
23 was is that the State of Alaska was caught at a very weak
24 time in its existence, very early time in its existence.
25 This occurred in a very isolated area of the state, still

1 isolated area of the state, and so one must think hard about
2 New Mexico's capacity to monitor seriously and effectively
3 this project. And if it doesn't have the capacity, it must
4 seek the federal funding or the go or the wherewithal to
5 monitor that area.

6 This is not a small matter. It is a serious
7 matter. And should any of the people here involved desire,
8 I would be happy to assist them in making contact with our
9 state and federal officials, as well as the Upiot people
10 involved who have experienced this nuclear waste dump as
11 part of this earlier experiment and so that you may
12 communicate with them directly and gain insight and valuable
13 information. And I thank you very much for the opportunity
14 to speak to you today.

15 MR. DUKER: Thank you, Mr. Kahn. Okay. The
16 next person who wishes to make a presentation here -- and I
17 hope I read this right. Is it Byrd Richards?

18 MR. RICHARDS: Bud Richards.

19 MR. DUKER: Okay.

20 MR. RICHARDS: Thank you for the opportunity.
21 My name is Stephen T. Bud Richards. I'm from Las Cruces.
22 Been here, been involved in state government for close to 30
23 years now.

24 I had heard and read so much about this WIPP
25 project that I took the time to go to Carlsbad and took the

1 complete tour of this facility. And anyone that's in this
2 room that opposes this project should do as I did. You will
3 never say anything against this project.

4 Now, they have overkilled. If they have done
5 anything they have overkilled for what this project is going
6 to be used for. I saw this in the paper and I thought--
7 well, this morning, Most lay people like myself will sit
8 back and not come around. But, like I say, I've been
9 involved before.

10 I would like to quote -- and then that's all I'd
11 have to say, unless someone would want to ask me a specific
12 question in reference to the -- I couldn't get over the
13 engineering. The engineering on this project is probably
14 second to none. And for what they're going to use this for,
15 people take the time, go over there and see that project and
16 you won't have any questions. But I want to quote from a
17 man that has forgotten more probably than any of us in this
18 room would ever know in reference to the science field and
19 what goes on. He was the first man to ever go into space.
20 He was the first man to circle the moon. He had heard a
21 great deal about this WIPP project. He also went over and
22 went through this project. And let me read what he had to
23 say here that I think is what you all need to realize.

24 "A great deal of the hysteria about the
25 environment is uneducated dribble, said Frank Borman. We

1 went through that with the space program. If anything, this
2 project has been overkilled."

3 The protection over there is unreal. I would be
4 happy to answer any specific questions that I have knowledge
5 of. But I would suggest that all of you go over and take a
6 look at it.

7 MR. DUKER: Thank you, sir. We're just slightly
8 ahead of schedule here, which is always a nice place to be.
9 Tamie Smith, if you'll come up here, and for the reporter
10 give your name and organization, please.

11 MS. SMITH: T-a-m-i-e with an "M." I live in
12 Las Cruces. No particular organization at the present time,
13 just a bunch of different environmental ones. Primarily our
14 group is the Industrial Growth Awareness Group, and our
15 organization has to do with industries located in the area.
16 I'd like to encourage them to abide by the Environmental
17 Department's emission control regulation waste disposal and
18 so forth and so on. Right now nothing seems to be pending
19 here, so we're sort of inactive at the present time. Is it
20 appropriate to ask questions?

21 MR. DUKER: If you have a specific one to this
22 process.

23 MS. SMITH: Yes. Yes, they are because I'm
24 going along with the information that I have. I would like
25 to make some comments. And if there are not too many crowds

1 later in the day, I would like to have the opportunity to
2 have additional input, if it's possible.

3 I would like to know what this plan or this
4 permit application is being based on now. I understand that
5 it's being based on the present DOE plan for the five-year
6 phase; is that correct?

7 MS. COLLINS: Are you asking if the test plan
8 projects to be between five and seven years?

9 MS. SMITH: No. No, I'm asking what is the
10 application actually being based on? Is it being based on
11 the present proposal for DOE's test plan? Let me explain a
12 little bit further.

13 I have heard and I would like to verify or deny
14 or whatever, that this application is being based on a plan
15 that is now no longer active and that there is a new plan
16 that is being drawn up. And that will then give me another
17 question to ask you, depending on your answer.

18 MS. COLLINS: When a facility presents an
19 application to the state, we review the application as it's
20 presented. The application has to stand on its known
21 technical merit that I went through before. It has to stand
22 on the regulatory requirements. The test plan that you're
23 referring to, we do not review that for its technical
24 merit. That is not part of the application.

25 Should DOE adopt a new test plan that would

1 adversely impact -- For instance, if we go forward with a
2 permit, if they adopted a new test plan that would conflict
3 with the permit conditions, they would be in violation of
4 the permit. At that point we would take enforcement actions
5 if they were in conflict with conditions of the permit.

6 MS. SMITH: So as far as you know, then, the
7 present test plan that has been presented by DOE is still
8 valid, still on the books, and there is no new one being
9 worked upon.

10 MS. COLLINS: It's my understanding --

11 MR. GARCIA: Let me just go ahead and say,
12 Tamie, what they're working on in their test plan is really
13 outside the scope of the permit application that we're
14 reviewing.

15 MS. SMITH: I understand it. The reason I'm
16 raising the question is because it takes a lot of man hours,
17 it takes a lot of work and a lot of money, which is your tax
18 payer money and mine. And if there is a refined proposal
19 that DOE is considering, then my next suggestion would be,
20 Should we wait a bit until there's really a final plan.

21 MR. GARCIA: I think there's maybe a little
22 confusion in terms of Test Plan versus the Test Phase that
23 we're looking at.

24 MS. SMITH: Well, I should say Test Phase.

25 MR. GARCIA: Yeah. And the first thing I think

1 we need to clear up is that the test plan that you're
2 referring to is the specific plan that DOE with Westinghouse
3 are looking at getting some technical information out of the
4 planned Test Phase that they're going to have at WIPP.

5 What we are looking at is the specific
6 regulatory requirements for the use of the RCRA waste at the
7 facility in that test plan that they may implement. And
8 we're interested in looking at the controls over the use of
9 that material, that waste at WIPP. And we are not really
10 evaluating their technical plan to get any information out
11 of their tests. All we're evaluating is that the safe use,
12 storage of this material during that Test Phase. So there's
13 a distinction between the two test plans that you're talking
14 about -- or phases.

15 MS. SMITH: But you're basing your review of the
16 application on the Test Phase. They tell you, Here's how
17 we're going to do this, and they're applying for this, this
18 and this to be able to do it. I simply want to be confirm
19 that that is --

20 MR. GARCIA: Okay. Let me clarify in how
21 they're going to use this. They may be using this material
22 in specific containers to test the material to get
23 information out of that material. We're concerned in how
24 the material will be stored and contained, whereas they're
25 interested in what kind of information they can get out of

1 the process in the container. And it's two really distinct
2 issues.

3 MS. SMITH: Okay. Let me go on, then. I'm also
4 interested in knowing --

5 MS. SISNEROS: Ms. Smith?

6 MS. SMITH: Yes.

7 MS. SISNEROS: Can I add something to that?

8 MS. SMITH: Yes.

9 MS. SISNEROS: I'm Kathleen Sisneros, and I'm
10 Director of the Water Waste Management Division. The review
11 that the staff does for the state issue, Hazardous Waste
12 Permit, is really based on the permit application that
13 DOE/Westinghouse submits for the activities, which we will
14 call the "Test Phase." Those are described in that
15 application. We're bound by law to review that information
16 and make a decision; not issue a permit or issue a permit.

17 If the Department of Energy/Westinghouse at the
18 present time or sometime in the future for whatever reason
19 decides to change those activities, the burden is on
20 DOE/Westinghouse to notify the state that in fact those
21 activities are going to be changed. And it is their
22 responsibility, therefore, to notify us and then we will
23 either -- Let's say a permit is issued, then we are into a
24 permit modification stage.

25 If they choose, as Susan indicated, to conduct

1 those activities without getting that modification, they
2 will be in violation of the permit if the state issues a
3 permit. So the permit that we're talking about, the
4 application is very specific to a set of activities. If
5 something changes DOE/Westinghouse has to notify us.
6 Because our actions are going to be based on the information
7 submitted to the state.

8 MS. SMITH: Thank you. I'm aware of the
9 process, by the way. I wanted this in the record because
10 there are a lot of people who are not aware of that and they
11 need to be aware of the fact that a modification could take
12 place. Thank you.

13 I'm also interested in how the context of the
14 mixed waste will be analyzed. I read that there is concern
15 about process knowledge or statistical approaches might be
16 used as compared to direct analysis, and I'm wondering
17 what's going on about that.

18 MS. COLLINS: Tamie, because we're still in the
19 interactive phase of the technical review, these are
20 questions that we have raised with the applicant. But we
21 have not received their response back, so we simply can't
22 answer that right now.

23 MS. SMITH: Okay. Now, I also understand that
24 EPA has mandated -- or in the Land Withdrawal Act that it
25 was mandated that in the event after the Test Phase, someone

1 should suddenly say, Oh, this may not be the place to put
2 all of this after all. That it must be stated or it must be
3 done that any material there that has been undergoing the
4 Test Phase must be removed from the site so that there is no
5 possibility that it becomes a temporary storage site. I
6 bring this up because even though I know the Environment
7 Department must follow the EPA guidelines and so forth, I
8 think that should be in the actual permit if it hasn't
9 already been planned to be in it.

10 MS. COLLINS: We cannot step outside the
11 regulations during this review process. And the issue that
12 you've raised we have addressed within the confines of the
13 review. At closure we have discussed with the applicant
14 what clean closure means. To pull something from another
15 arena is something that we can't do.

16 MS. SMITH: Then are you saying that we are
17 protected. That if in the event something should happen and
18 the site does not become a permit site, that there is no
19 chance that the materials there, the drums there would
20 remain there on a temporary basis until we decide what else
21 we could do?

22 MS. COLLINS: There is a mechanism and the
23 regulations are clear how we write that particular kind of
24 condition for the permit. And that is something that we are
25 addressing.

1 MS. SMITH: My time is probably up. So let me
2 just make one suggestion right now. I have other things but
3 I don't want to overdo my time.

4 As we know, the volumes are huge. No one is
5 going to read those big volumes, and they are not even going
6 to know where to find them. Is there any possibility that
7 when you get to your final draft -- I know this is asking
8 for a lot of work -- could a brief analysis of each section
9 be done? Could it come down here to Las Cruces and
10 hopefully the other towns, especially those that are more
11 directly involved than we are, and have them posted for
12 particular places?

13 For example, I am familiar with the community.
14 I really know who goes where and who sees what. And if we
15 don't select the right place, enough of the public is not
16 informed. They either have to go too far out of the way or
17 they don't know what to ask. The building that has the
18 material doesn't realize what it's all about. You have my
19 name and address. If such a thing could be done, I would be
20 willing to distribute it in the community for you.

21 MS. COLLINS: Tamie, I can address that now.
22 With the support of our consultants, we've generated this
23 overview and issues that perhaps --

24 MS. SMITH: These are the ones on the table.

25 MS. COLLINS: That's right. -- that perhaps

1 with your recommendation we can make more available. This
2 is a summary of what are in the chapters and then the issues
3 that we're currently working through.

4 MS. SMITH: But will you be doing one now after
5 this input and you come up with the next draft that you will
6 be approving? I mean this is what's going on right --

7 MS. COLLINS: I'm not clear about what your
8 question is.

9 MS. SMITH: This is what is being proposed right
10 now and what is in the application right now. Now, you're
11 going to review this, decide whether it's complete, decide
12 whether or not it's going to be granted. And then there is
13 another period for public input after that, isn't there?

14 MS. COLLINS: Are you referring to when the
15 revised application comes back to us?

16 MS. SMITH: Yes. Yes.

17 MS. COLLINS: Then we do go through a review
18 process. And that's what you're requesting that we
19 summarize?

20 MS. SMITH: Yes. In other words, anytime
21 there's an update and there's a possibility of having the
22 changes available, I think it might be helpful. Like,
23 you're going to have to write something now based on our
24 public input today.

25 MS. COLLINS: That's correct.

1 MS. SMITH: If there are some things that have
2 been added or things that have been subtracted, as the case
3 may be, it would be helpful to have maybe just those
4 documents amended to. I know I'm asking an awful lot
5 because I realize how much work that involves.

6 MR. GARCIA: Are you looking at the interactive
7 documents that we're producing in the review process?

8 MS. SMITH: Yes.

9 MR. GARCIA: And that's what you're trying to
10 get copies of from all the facilities that now have the
11 application? Is that what you're asking for?

12 MS. SMITH: The application that you have now is
13 not --

14 MR. GARCIA: Right. And you're asking for
15 revisions to it.

16 MS. SMITH: Yes. What's the next step that
17 follows this present application?

18 MS. COLLINS: A revised application would be
19 submitted to us at the end. We will submit, issue back to
20 the applicants a formal notice of deficiencies of any
21 outstanding issues.

22 MS. SMITH: Right.

23 MS. COLLINS: They will send us a revised
24 application.

25 MS. SMITH: This would be nice to have comments

1 on that or have what those updates are, if it's possible.

2 MS. COLLINS: Okay.

3 MR. GARCIA: Yeah. The revised package that --
4 we are planning to get those out to the libraries now of the
5 application. We won't go as far as to include any of the
6 interactive documents that we are producing now. Those will
7 be available in Santa Fe. And I don't know if Kathy has
8 talked to anyone about getting those out.

9 MS. SMITH: What about the district office?

10 MR. GARCIA: We don't have them in the district
11 offices. We selected public libraries because they're open
12 longer hours usually than the district offices.

13 MS. SMITH: Oh, okay.

14 MR. GARCIA: But they're available at Brannigan
15 here, and then at different libraries throughout the state.

16 MS. SMITH: Okay. So they will not be available
17 -- I have had anybody ask me if anything is at the district
18 office and I told them that I didn't think so, so I just
19 wanted to check with you on that. Thank you.

20 MS. COLLINS: Thank you.

21 MR. DUKER: Thank you, Tamie. Okay. At this
22 time, we have nobody who is signed up further. Anybody who
23 does wish to sign up to speak or anybody else who comes in
24 is certainly free to do so. Up to this point, thank you.
25 We're going to take maybe a short break here. And if

1 anybody else does wish to sign up for these -- These
2 meetings, by the way, will go on all day. We will have a
3 repeat of the presentation that Susan Collins, and also
4 Department of Energy, made at twelve o'clock noon and again
5 at six o'clock this evening, and also have time there for
6 people to comment or voice their opinions based on the same
7 format that we used here today. So for those of you who did
8 come up, thank you very much. And we will take a short
9 break until somebody else comes. Thank you.

10 (WHEREUPON, a recess taken.)

11 MR. DUKER: Well, good afternoon. Welcome to
12 the New Mexico Environment Department Public information
13 Meeting on the WIPP Permit Application process.

14 While the New Mexico Hazardous Waste Regulations
15 do not require these meetings, the department is requesting
16 input from citizens very early in this process. It needs to
17 be emphasized that this permit application is only for the
18 Test Phase at WIPP and does not include a request for
19 permanent disposal of mixed waste at the WIPP site.

20 The requirements and the details of the permit
21 have not been completely formulated. That's the reason for
22 these meetings, to include your input in the upcoming
23 drafting of the permit.

24 Formal hearings will be conducted at a later
25 time when the actual permit has proceeded to the draft

1 stage. In order to provide the time for all interested
2 persons to express their thoughts, we have instituted a
3 basic procedure for the conduct of these meetings.

4 If you wish to make an oral presentation, please
5 sign up for an available time at the table by the door.
6 This will be on a first-come-first-serve basis. You will be
7 called upon at the time for which you have signed up. You
8 may make a statement at that time or presentation or ask
9 questions of participants here, but you are requested to
10 stay within the allotted time so as to not to take away from
11 others who follow you. All oral presentations will be
12 recorded by the reporter here.

13 If you wish to submit any written material,
14 please do so at the sign-up table. A register has been
15 provided to log-in the number that's submitted written
16 material. All written input will be read and studied
17 thoroughly.

18 In order to receive a summary at a later time,
19 please give your name, title, organization and your mailing
20 address when you sign in. And please print clearly. You
21 will receive a reply.

22 If you are going to make a comment, please
23 comment on the issues at hand; and that is the WIPP Permit
24 Application for the Test Phase. The New Mexico Environment
25 Department wants to hear from as many citizens as possible.

1 And in order to accomplish this and be fair to everyone who
2 wishes to comment, it is important that all individuals
3 stick to this particular issue and stay within the time
4 allotted to you. These meetings are very important to all
5 of us. Obviously, demonstrations and any other disruptive
6 behavior cannot be allowed at these meetings. They'll only
7 serve to cause delays and prevent others from being able to
8 express themselves. And ultimately if it got to that point,
9 hopefully not, it could cause possible termination of the
10 meetings.

11 As was mentioned, this is an early stage in WIPP
12 Permit Application process. Some questions may not be able
13 to be answered at this time, and that's simply because we're
14 just in the beginning stages of a lot of cases. Future
15 formal hearings will be held once the draft is written, but
16 it's your input here today that will help influence this
17 document.

18 As these meetings are running from nine o'clock
19 in the morning until nine o'clock at night, there will be a
20 need to take number of breaks during the day so that you'll
21 know. This afternoon we will have ten-minute breaks at
22 approximately two o'clock, 3:30 and 7:20, as well as a break
23 for dinner at five p.m., and that will be an hour-long one.

24 Again, for your information, there is no smoking
25 in this room, and there are rest rooms located out this back

1 door right down the hallway to your left.

2 At this time I would like to introduce the
3 participants that we have here for this particular meeting.
4 At the back of the room is Kathleen Sisneros. She is the
5 Director of the Water and Waste Management Division for the
6 New Mexico Environment Department.

7 We have Benito Garcia, who is the Chief of
8 Hazardous and Radioactive Materials Bureau for the
9 department.

10 Susan Collins right here on my right is the WIPP
11 Permit coordinator.

12 And from the A. T. Kearney Company sitting over
13 here, we have June Drieth. We have John Darabaris and
14 Connie Walker.

15 Right back over in the back of the room from the
16 U.S. Department of Energy, we have Patty Baratti-Sallani,
17 and sitting next to her is Jack Johnson of Westinghouse.

18 I have been asked to announce also that over
19 here at our sign-up desk, if you wish to receive some of the
20 CCNS information, there is a place there you can submit your
21 name to receive the regular mailings. A lady by the name of
22 Tamie Smith has been there, and I believe she will be back a
23 little bit later. And my name is Tom Duker. I work for the
24 New Mexico Environment Department.

25 At this point we will have a brief presentation

1 by Susan Collins, who is our WIPP coordinator. Susan, as I
2 mentioned, is with the New Mexico Environment Department
3 Hazardous and Radioactive Materials Bureau. And her
4 presentation will again be repeated at six o'clock p.m.
5 tonight. Susan, if you would like to take over.

6 MS. COLLINS: Thank you, Mr. Duker. In the time
7 that I have I would like to give you a brief review of the
8 permitting process, and specifically address the status of
9 the WIPP Part B application. To do this I'm going to
10 address four key issues: Why is the State of New Mexico
11 reviewing the application? What is the Test Phase? What's
12 in the application? And what's the status of the review?

13 Why are we reviewing the WIPP application
14 submitted by DOE/Westinghouse? To obtain the legal right to
15 treat, store and/or dispose of regulated hazardous waste, a
16 facility must formally apply for Resource Conservation and
17 Recovery Act permit commonly known as a RCRA Part B permit.
18 DOE/Westinghouse has submitted a RCRA Part B permit.

19 DOE/Westinghouse has submitted a RCRA Part B
20 permit application for the WIPP Test Phase. The Test Phase
21 is a period of time during which various tests will be
22 performed to evaluate the suitability of the WIPP for
23 long-term disposal. DOE/Westinghouse has developed Test
24 Phase plans describing these activities and tests that will
25 be performed during this Test Phase.

1 NMED has examined elements of the Test Plan that
2 apply to the Part B permit application, specifically those
3 elements insuring that DOE/Westinghouse will safely manage
4 the waste to be placed at WIPP. NMED cannot evaluate the
5 technical merit of various tests because some of these are
6 being performed to evaluate compliance with regulations
7 other than RCRA. However, if a permit is issued,
8 DOE/Westinghouse cannot implement a change in the Test Plan
9 that affects the RCRA permit without notifying the New
10 Mexico Environment Department. If DOE/Westinghouse were to
11 do this, they would be in violation of the permit.
12 Alternatively, should DOE/Westinghouse want to implement
13 tests not technically reviewed in process that we're in
14 right now, the appropriate regulatory mechanism would be to
15 request a permit modification which then would require
16 public review.

17 Now, to return to the question of why DOE has
18 submitted a Part B application? DOE/Westinghouse wants to
19 store hazardous waste that's mixed with radioactive waste,
20 hence the term "mixed waste." This activity requires a RCRA
21 permit.

22 I would like to point out that our regulatory
23 authority is over the hazardous component of this mixed
24 waste. Because the radioactive component cannot be
25 separated from the RCRA hazardous waste, New Mexico

1 Environment Department regulates all of this. An example of
2 the mixed waste might be a glass beaker that has been
3 contaminated with both the radioactive waste and waste.

4 Now we know why we're reviewing the WIPP
5 application. This is the facility that plans on conducting
6 tests on storage of mixed waste. Let me tell you what's in
7 an application, and then after we've gone through that, I
8 would like to brief you on the administrative and technical
9 review that we're in.

10 When we received the application, we received
11 seven volumes. Six of those volumes are appendices. This
12 is the one volume that I would like to discuss with you
13 now. This is broken into chapters, the first chapter being
14 the Part A. It consists of several standardized forms.
15 This provides general facility information such as the name,
16 EPA ID number, the location, who the owner/operator might
17 be, what types of hazardous waste activities will go on at
18 the WIPP, what is the volume of hazardous waste, what type
19 of hazardous waste will be handled. R.

20 Chapter B contains a general description of the
21 facility which expands the information provided in the Part
22 A. Typically Chapter B gives a detailed description of what
23 business is conducted at the site,. It gives a physical
24 portrait at the site, What does it look like? It gives a
25 brief discussion of the RCRA units. We call them RCRA

1 units, Hazardous Waste Management Units.

2 In this chapter, for example, we would want to
3 know is the facility in the hundred-year flood plane? We
4 would want to see topographic maps. We want to know the
5 boundaries of the facilities. Additionally we would like to
6 know what the traffic patterns are on site.

7 Chapter C of the RCRA permit application
8 addresses analysis and characterization of the hazardous
9 waste which will be handled during the WIPP Test Phase.
10 This chapter must include all the information needed to meet
11 the regulatory requirements to properly store and manage the
12 waste in WIPP during this Test Phase. Specifically, we look
13 at what are the wastes? Why are they hazardous? How would
14 labs test the hazardous waste to see what the waste
15 contains? In summary we would want to know in Chapter C
16 that hazardous waste destined for WIPP has been properly
17 characterized so that it can be properly managed there
18 during the Test Phase.

19 Chapter D: This chapter is really the nuts and
20 bolts of what the unit design is, what the units are like,
21 and how the waste will be managed in those particular
22 units. It provides a discussion of the processes that goes
23 on with handling and storing of the waste in the three RCRA
24 units. This chapter gives the physical structure, what the
25 unit is made of; for example, is it steel, is it concrete?

1 This is very much an engineering section, giving the very
2 particulars of the engineering standards that
3 DOE/Westinghouse must follow to insure the safe management
4 of hazardous waste.

5 Chapter E: Protection of Groundwater. Chapter
6 E of a Part B application provides a complete description of
7 the measures to be taken to protect ground water from
8 contamination. This section was extensively evaluated by
9 EPA as part of the no migration petition.

10 Chapter F: Procedures to Prevent Hazards. This
11 chapter provides a discussion of the procedures following
12 the WIPP site to prevent hazards associated with each
13 hazardous waste management unit. The chapter provides a
14 description of security procedures and equipment there, and
15 it outlines the section procedures and schedules.

16 Chapter G: RCRA Contingency Plan outlines what
17 the facility will do to respond to an emergency such as
18 fire, explosion or any unplanned release of hazardous waste
19 at the facility. Note the difference between Chapter F and
20 Chapter G. But first protection, procedures to prevent
21 hazards must address how to prevent hazards.

22 Contingency Plan, which is a RCRA requirement,
23 requires that the facility address what happened when an
24 unplanned event occurs. Specifically it tells who the
25 emergency coordinators are. It gives an evacuation plan,

1 and what will trigger an emergency response. Also, it
2 describes the reporting requirements to the local, state and
3 federal agencies. Finally it describes how a similar
4 emergency would be prevented.

5 Chapter H is the training chapter. This
6 describes the training people receive to operate and
7 maintain the facility. It also includes an outline of
8 training programs, job titles and then the descriptions to
9 those jobs. It gives training program content, and very
10 important to what we are doing, the emergency response
11 training that individual people receive.

12 Chapter I is closure. Closure Plan describes
13 how each hazardous waste management unit will be clean
14 closed at the end of its test life, and how final closure
15 will be conducted. The plan must describe how the facility
16 will remove any hazardous waste and that's sampled to verify
17 that the remaining area is free from contamination. It
18 provides an outline of all closure activities, as well as
19 providing a schedule for those activities. The State of New
20 Mexico will require WIPP to clean close. This means that
21 all waste will be removed from both subsurface units as well
22 as from the waste handling building.

23 Now we know why DOE/Westinghouse has applied for
24 an application. We know in some brief detail what's in the
25 application.

1 How do we at the State determine if the
2 application is complete? We begin with an administrative
3 review. Are all the pieces there?

4 Once the facility has submitted an application,
5 our first step is to determine if all the required
6 information has been submitted. If you want to visualize a
7 hundred-piece puzzle as a Part B application, and NMED
8 wanted to determine if that puzzle was administratively
9 complete, we would count to see if in fact there were a
10 hundred puzzle pieces. But we would not consider if the
11 pieces were bent or if they were broken, if the puzzle was
12 complete, or even if the pieces when you constructed it
13 would go together. We just wanted to know, Are there a
14 hundred pieces of that puzzle? For the Part B application,
15 we want to know if all the chapters are there. We want to
16 know if the contingency plan is there. We want to know if
17 the closure plan is there. We want to know if some of the
18 schedules are there. But we don't evaluate it on technical
19 merit yet. We just try to determine if all the pieces are
20 present.

21 The administrative requirements found in the
22 regulations are what guide us in this review. The Part B
23 for WIPP has been reviewed by NMED staff, and, in fact,
24 determined to be administratively complete. This does not
25 mean that the application is complete and WIPP has a permit,

1 but rather it means that all the required pieces of the
2 application as defined by the regulations are present.

3 The technical review: This is an in-depth
4 evaluation of the permit application. The purpose of the
5 evaluation is to determine if the application satisfies the
6 technical requirements of RCRA.

7 During the interactive period of the technical
8 review, the regulator, myself relies entirely on these
9 regulations for guidance to know what to ask, and conversely
10 to know what we can't ask. This, again, is an interactive
11 period between NMED and the applicant. Sufficiencies or
12 weaknesses that we identified during this interactive period
13 can be addressed in a number of ways: We can ask for
14 submission of additional information. We can ask for data.
15 We can ask for actual modifications to the application. We
16 can do this either informally, say, in our working group
17 meetings, or it may become a notice of deficiencies or a
18 more formal way of communicating with an applicant.

19 Again, the purpose of the technical review is to
20 determine if the application satisfies the technical
21 requirements of RCRA. To summarize the technical review is
22 interactive. It's ongoing. We have weekly meetings with
23 the applicant where we ask for additional data modifications
24 to the application and a lot more detailed information.

25 This is where we are now in the permitting

1 process for this particular application. What is unique to
2 this process are the meetings we're now engaged in. At the
3 direction of Secretary Espinosa, we have scheduled these
4 public meetings to involve the public in the permitting
5 process before the State writes either the draft permit or
6 Notice of Intent to Deny. This is your opportunity to be
7 involved, to give us your technical comments on the
8 application or your concerns in general.

9 What happens next? What happens after these
10 meetings? The state finishes the technical review. We
11 review public comment and incorporate where appropriate.
12 DOE/Westinghouse will receive our more formal communication
13 and Notice of Deficiency listing any outstanding issues of
14 concern. They will respond with another revised Part A
15 application. We review that application. At that point we
16 make a tentative decision to either write the draft or
17 Notice of Intent to Deny to. We have public comment. We
18 have hearings, which is another opportunity for the public
19 to be involved. And then we will respond to those
20 particular comments during the hearings, and final permit
21 will be submitted to the Secretary for her decision.

22 And that's my presentation. Tom, thank you.

23 MR. DUKER: Thank you. At this particular time
24 we're going to have Patty Baratti-Sallini come up here. And
25 she will give a brief presentation for the United States

1 Department of Energy. And then from that point on, we'll
2 proceed to comments from those of you who have signed up to
3 do. So if you'd like to come up here, Patty.

4 MS. BARATTI-SALLANI: I am Patty
5 Baratti-Sallani. I'm with the Department of Energy and the
6 WIPP project. The WIPP project was authorized by the
7 Congress of the United States as the result of Public Law
8 96-164 which was the Department of Energy National Security
9 and Military Application of Nuclear Energy Authorization Act
10 of 1980.

11 Congress intends for the WIPP facility to
12 demonstrate the safe disposal of transuranic waste that
13 result from activities of various defense activities in this
14 country. Recently the Congress restated its intent in the
15 WIPP Land Withdrawal Act of 1992 when it provided the DOE
16 with a set of prerequisite activities that are to be
17 completed prior to the initiation of waste management
18 activities at the facility. One of the mandates is
19 compliance with applicable environmental laws and
20 regulations, including the Resource Conservation and
21 Recovery Act and the State of New Mexico's equivalent law,
22 the New Mexico Hazardous Waste Act. The permit application
23 that the NMED is currently reviewing is one of the steps
24 that the DOE has taken to comply with the New Mexico
25 Hazardous Waste Act and with RCRA.

1 The DOE is subject to the New Mexico Hazardous
2 Waste Act and the Resource Conservation and Recovery Act at
3 the WIPP facility because much of the waste is transuranic
4 mixed waste; that is it is radioactive waste. That also
5 contains chemicals that are regulated as hazardous waste
6 under the New Mexico Hazardous Waste Act and RCRA.

7 In order to satisfy the requirements of the New
8 Mexico Hazardous Waste Act and RCRA, the DOE submitted the
9 permit application in February, 1991, following a written
10 request from the Director of the Environmental Improvement
11 Division, NMED's predecessor. The NMED initiated their
12 process of administrative review and issued a notice that
13 the application was administratively complete in July of
14 1992.

15 During the NMED's review and in response to
16 their request, the DOE submitted supplemental information in
17 the form of a revision to the application. This version of
18 the application was made available to the public in the
19 spring of this year in numerous reading rooms throughout the
20 state, including the Thomas Brannigan Memorial Library here
21 in Las Cruces. Currently the DOE is responding to requests
22 for additional information and clarification as the NMED
23 progresses through their technical review of the
24 application.

25 The application is limited to the Test Phase

1 which includes tests with transuranic mixed waste designed
2 to provide the DOE and the technical community with
3 information that will be useful in making decisions
4 regarding permanent disposal of transuranic waste in the
5 WIPP facility. This decision is still many years off and
6 will be made after the DOE has demonstrated that the WIPP
7 facility can isolate the waste for thousands of years.

8 Congress has recently required that the U.S.
9 Environmental Protection Agency must review and certify the
10 DOE's demonstration of the WIPP facility's adequacy.
11 Further, the EPA will have to involve the public, including
12 the State of New Mexico in their review process.

13 The DOE is very interested in what the public
14 has to say concerning the NMED permitting process. The DOE
15 has used the benefits of numerous public meetings in shaping
16 the WIPP program and values the opinion of the public. We
17 and our management and operating contractor, Westinghouse,
18 appreciate the opportunity to hear first-hand the public's
19 comments on the permitting process. Thank you.

20 MR. DUKER: Thank you, Patty. Okay. Before we
21 proceed to hearing from those of you who wish to address
22 this meeting, I would like to reiterate just a little bit of
23 what I said earlier about these presentations. And, again,
24 in order to hear from everyone who wishes to speak, it's
25 very important that the comments be pertinent to the WIPP

1 permit application process, and that all speakers adhere to
2 their allotted times, which we've set aside ten minutes per
3 individual speaker. So thank you very much.

4 And at this point we have one person here who
5 has indicated she would like to speak. Virginia Hallock, if
6 you would be so kind to come up here and state your name and
7 organization, if any, for the reporter so she can get it on
8 record.

9 MS. HALLOCK: I'm Virginia Hallock, Deming. I
10 guess I represent Deming Peace Works; that's the group
11 that's most interested in this.

12 My concerns are the ceilings and the walls,
13 which are one reason they're using the salt is because they
14 hope it will all close in and keep anything from escaping.
15 But while they're working on this five-year Test Phase, how
16 can they keep those walls from closing in so that they
17 wouldn't be able to get the stuff out again? I can't
18 imagine with the pressures that are going to be generated
19 how they can really shore that up that well. I've been
20 through the test facility. I know that they do use
21 screening stuff to keep it from falling, but we're talking
22 about five years. And given the propensity of the walls to
23 close in and the ceilings to come down, I hope that there's
24 something that will keep them up.

25 Another thing is that after this Test Phase, I

1 hope that some organization with geological knowledge and no
2 monetary connection whatsoever to DOE will inspect, study
3 the findings of the Test Phase and so forth before the bulk
4 of this nuclear material is brought in. It would be very
5 easy for DOE just to say, Well, everything is fine, and then
6 you bring it all in and it turns out it wasn't so fine. The
7 track record for DOE, I'm sorry, is not very good.

8 Those are really the only things that I can
9 think of that would come under the idea of safety in
10 connection with that.

11 During my tour of this test site, I inquired,
12 because there seemed to be places that looked damp. And
13 they say that no water is getting in except a tea cupful in
14 some period of time. But it seems to me that the damp walls
15 indicate -- Since they have already been opened for about
16 five years, the damp walls indicate that the water is coming
17 in from somewhere. They said it's the fracturing of the
18 salt which has encapsulated moisture inside which is too
19 full of salt to absorb anymore. But I do think that after
20 five years all that would have been drained out, if that's
21 really all it was.

22 I have also heard that one of the rooms,
23 somebody was knee deep -- or waste deep, I think, in water.
24 And so I am concerned about water getting in. I know the
25 terrain in which this occurs is what they call "carst

1 terrain," so that when it rains hard -- And if you're New
2 Mexicans, you know that it either rains not at all or it
3 comes down in buckets. Instead of just seeping in it
4 channels. And then I would think the next drain would go
5 more and more, deeper and deeper, so that over -- since
6 we're talking about 240,000 years, over that period water
7 would come in from above.

8 The other thing is that there are oil wells
9 within a few miles of this test area. Another couple
10 thousand years down the road, will they still know enough
11 not to put oil drilling equipment over the area and go
12 through into the brine that's down below there and let that
13 all up?

14 I guess that's about all I have to say. Those
15 are my concerns. And I wish somebody else would have some
16 more to say.

17 MR. DUKER: Thank you very much. Is there
18 anybody else here that wishes to make a comment? We still
19 have a sign-up sheet over here. If not, that is basically
20 the end of this afternoon. We will remain here in case
21 anybody else comes in who wishes to make a comment. As I
22 mentioned before, we will do this again at six o'clock
23 tonight. And we've allowed ample time for the public to
24 come in and make comments or ask particular questions.

25 So at this point do we have anything we want to

1 add?

2 MR. GARCIA: Yes. Susan wants to address --

3 MR. DUKER: Okay. Go ahead. We have plenty of
4 time.

5 MS. COLLINS: Virginia, what we plan to do after
6 we finish with these hearings is to respond to the public
7 with an executive summary. We want to respond in a
8 thoughtful way to some of the issues that are raised. But,
9 specifically, we have looked at the walls and the ribs in
10 test rooms. And these are concerns that we have addressed
11 and requested that the applicant come back to us and tell us
12 what sort of monitoring equipment is in place. To give us
13 some assurance that the rooms, in fact, are safe. So we
14 have addressed that in our technical review. Review. As
15 far as the independent group, my suspicion is --

16 MR. GARCIA: Independent groups is something
17 perhaps you could make recommendations on in writing in
18 terms of evaluating the geology of the area, the facility
19 itself. I don't know if you were thinking of EPA or mine,
20 health and safety organization or what. In terms of your
21 comment, an independent organization evaluating the geology
22 of the site.

23 MS. HALLOCK: The reason I brought that up was
24 that we had Westinghouse comment, address the in teachers'
25 group in Deming, and of course he told all the about the

1 rooms. We had a fellow come from Westinghouse to our
2 teachers' meeting, and he presented Westinghouse's side of
3 it, how rosy everything was.

4 By way of contrast, I contacted a group in Santa
5 Fe, I think it was, or Albuquerque, to send a speaker hoping
6 to find the other side of the picture to come and address a
7 CROA meeting. He came. And the first thing he said was
8 that his pay check came from the DOE. And I didn't think
9 that could possibly be a completely disconnect. I can't
10 think of the name, Chata Verde [sic] is in the same group.

11 MS. COLLINS: Was it with the EEG group?

12 MS. HALLOCK: Yes. Yes, the EEG group which is
13 not DOE's watchdog group, but they're getting their checks
14 from DOE. So it just seems to me that that's not completely
15 an outside group, even though they do criticize. And one of
16 the things that got me upset about the WIPP project, to
17 start with, is the film in which EEG people show up and
18 point out some of the drawbacks.

19 If you read in the paper so often, all you hear
20 is the good side because of the jobs involved, whereas there
21 is stuff going around about the other side of it, but people
22 don't see both sides. In fact it's in Deming. Even in the
23 high school office they didn't even know what W-I-P-P stood
24 for. So much of it is going over the heads of people. It
25 gets to be very technical. A tone like that, it would take

1 me years to read.

2 And like here you have public comment. Am I the
3 only public? These people won't talk up. They're from
4 Deming too.

5 MS. COLLINS: Well, Virginia, maybe we can
6 answer some more of the points that you raise.

7 John, would you talk about the parks formations
8 there, and then brine and seepage?

9 MR. JOHNSON: As part of this review and earlier
10 reviews, there was extensive studies of the geologic
11 foundation in the period of which they are undergoing
12 dissolution, given the fact that that's a common feature
13 that one would typically find in parts of the terrain.
14 However, the current -- they're called "geologic and climate
15 setting" -- does not lend itself to an active dissolution
16 process of occurring.

17 MS. WALKER: As part of the residual migrations,
18 we look for the dissolution process. Another, we look at
19 the process that could occur and how long it would take for
20 some dissolution activities to take place.

21 MS. HALLOCK: Would you define "dissolution,"
22 please?

23 MS. WALKER: I'm sorry. The dissolving of salt.
24 The dissolving of the material. That's what happens in
25 cars, you will have dissolving of limestone or some certain

1 types of rocks that's maybe at the WIPP site, or even the
2 salt beds. And that was a concern we examined as part of
3 the migrations determination. We looked at the time frame
4 involved with that. It's not that this does not occur, but
5 it can occur over a very long time frame. And that was part
6 of our evaluation.

7 MR. DARABARIS: The other thing to -- car sick
8 terrains that are very dynamic. And its interaction right
9 now. For instance, in southeastern Pennsylvania, parts of
10 Florida are areas where you have a great deal of
11 dissolutioning and camering occurring. But these are areas
12 where you're having a significant amount of precipitation
13 occurring, far exceeding the activity levels that you're
14 going to find in the Carlsbad area.

15 And secondly, you do have occurring within the
16 Carlsbad area, at least within the WIPP facility area, an
17 actual retardation factor that makes the -- enhances the
18 time frame even further and mitigates the processes that are
19 happening. So what I'm saying is apart from a major climate
20 change, you've got a very slow-acting system occurring in
21 Carlsbad.

22 MS. HALLOCK: Well, one of those videos that I
23 saw which was a year ago -- One of the videos was playing.
24 One of the videos was pointing out that the DOE's time frame
25 idea was quite different from some others that had been

1 made. As I understand it, there is a dry lake bed, salt
2 lake within a mile or two of the area, and that there isn't
3 a whole lot between that lake and the downhill slide to the
4 Pecos River. And they were pointing out that a really good
5 heavy rain could wash any of this -- nuclear stuff were to
6 seep up from below, that it would be washed down into this
7 lake bed on into the Pecos River leading into the Rio
8 Grande, which is fine. It doesn't hurt us a bit. But there
9 is a lot -- that is to say, there's not too many American
10 towns along the lower reaches of the Rio Grande, but there's
11 a lot of little Mexican towns that way.

12 Have you seen the films that I'm talking about.

13 MR. DARABARIS: Yes, we have. That's the one
14 with Robert Redford organization.

15 MS. HALLOCK: These videos I have been seeing
16 are what worries me, and I feel other people don't know
17 about these things and therefore they think everybody is
18 hunky-dory; and I'm sure it is. We're talking about 240,000
19 years. It won't affect me in the least bit. I've got
20 grandchildren coming along and I don't plan to see our
21 country go to being rotted out with nuclear stuff.

22 MR. DARABARIS: Again, from the perspective of
23 the permit, we're not dealing in geologic time frames.
24 We're in the perspective of low migration uranium petition,
25 the time frame that the EPA under those circumstances are

1 charged to consider are 10,000 years.

2 MS. HALLOCK: Why?

3 MR. DARABARIS: That's the time frame that has
4 been set up by recommendation of the National Academy of
5 Sciences as being a time frame that would require some level
6 of assurance of safe storage. I think part of that would
7 reflect some of the decay phenomenon of the radioactive
8 materials.

9 Radioactive materials at a certain point, they
10 have a half life for the decaying to the point where at a
11 certain point they're no longer in a hazardous state, so to
12 speak. They're at a level --

13 MR. GARCIA: John, can I interrupt you a little
14 bit?

15 MR. DARABARIS: Sure.

16 MR. GARCIA: I think we're getting a little far
17 afield here in terms of what we are here for. We're really
18 looking at the relatively short time frame of this Test
19 Phase permit, which does not include a lot of these issues,
20 and we would like to restrict it to the issues if we can on
21 the permit. And I understand the concerns but I think we
22 would like to restrict it to the scope of this meeting, if
23 we can, as much as possible.

24 MS. HALLOCK: The trouble is this is going to
25 lead into that.

1 MR. GARCIA: Perhaps.

2 MS. COLLINS: But if it does, there are
3 additional opportunities for the public to be involved in a
4 very dynamic way before it would happen.

5 MS. HALLOCK: Look at all the public that's
6 involved.

7 MR. DUKER: Well, hopefully we will have further
8 meetings like this. And as we mentioned earlier, there will
9 be hearings. This particular one was focused on the permit
10 process for just the Test Phase. And even when that is
11 completed, there will be technical review hearings on
12 these. They will be formal. These are not really, as I
13 mentioned, even mandated. But the Secretary of the
14 department did want an opportunity on this one particular
15 issue to have some input on it. Because as we go forward
16 with permit process, we wanted to have some input that was
17 pertinent to that particular issue. There is a lot involved
18 in these things, and this is just one phase of it. We're
19 just seeing one piece of it here. And I wish, with you,
20 Virginia, that we did have a little more out here in the
21 audience. Perhaps we will tonight or later at locations.

22 MS. SISNEROS: Virginia, Tamie has given us some
23 ideas for getting the word out a little bit better to the
24 public on meetings like this. Do you have any suggestions
25 on how we can better get the word out to the public so that

1 they will attend these meetings? Right now we have set up
2 three sessions in the day.

3 MS. HALLOCK: I wrote up the article that went
4 into the Deming paper. They cut out the part about
5 contacting CCNS. I went to the radio station. They did put
6 in the rest of it so that it was in the paper. I took it to
7 the radio station, KOTS, and he said, Oh, yes, I think we
8 have a brochure on that. Whether they ever intended to put
9 anything in or not, I don't know. Whether they did, I don't
10 listen to that radio. But I have tried to get interest
11 around Deming and I still -- These people and a few other
12 people who are working and can't come; there's a small
13 nucleus of people who are interested and concerned about
14 it. But Deming is so far from Carlsbad that they just don't
15 -- most of them give it a deaf ear.

16 MR. MINZIE: Is that the test over a ten-year
17 period --

18 MR. DUKER: Excuse me. What is your name, sir?

19 MR. MINZIE: George Minzie.

20 MR. DUKER: Minzie.

21 MR. MINZIE: Yes, sir.

22 MS. COLLINS: George, that determination hasn't
23 been made yet. The Test Phase, as we understand it in our
24 review process, is somewhere between five and seven years.
25 But the Secretary will make the decision about the length of

1 the permit itself. It can be for no more than ten years.

2 MR. MINZIE: I would just question that clean
3 closure after that period of time. Because everyone says
4 it's going to be completely encapsulated finally, you know,
5 and that's it. So how are they going to get it out?

6 MS. COLLINS: It doesn't encapsulate that
7 quickly. I struggle to address the technical aspects of how
8 the roof is kept up, but there are mechanisms in place. In
9 fact, creep isn't, I don't believe, as dramatic as what you
10 might be envisioning. The rooms will be open. And part of
11 closure evaluation is, Will you be able to get these units
12 out of the test rooms? And we have been assured that that's
13 possible.

14 MS. HALLOCK: One of the videos pointed out that
15 they have not yet figured out how to completely close their
16 openings into the salt area. They can't keep a complete
17 seal on it.

18 MS. COLLINS: I'm not quite clear on your
19 question. Are you talking about the Alcove test?

20 MS. HALLECK: Well, I'm talking about your --

21 MS. COLLINS: Is that what she was referring to?

22 MR. DARABARIS: Yeah. Again, I think you're
23 looking at --

24 MS. COLLINS: Sort of leaping ahead.

25 MR. DARABARIS: -- what is sort of proposed for

1 the long-term. We're not dealing with that aspect in this
2 Test Phase.

3 MS. COLLINS: This is a very small slice of what
4 is anticipated to happen. We have blinders on for the Test
5 Phase. We have to only deal with what is happening during
6 the Test Phase, and we require the applicant to do the same;
7 that we are dealing with activities that will occur during
8 the next, say, five to seven years should the permit be
9 issued.

10 MS. HALLOCK: In a way, isn't that the problem
11 all the way along the line? Because you kept blinders on,
12 first we've got to make the hole. Now, you've the hole
13 made, and now we're going to put in Test Phase. We're not
14 looking at way down the road when we first start up. We
15 have spent all this money. What are we going to do, have a
16 ballroom down there if we don't use it?

17 MS. COLLINS: When an applicant comes to the
18 state with an application, we are mandated to review what's
19 in the application. This is for Test Phase activities. And
20 although I understand your concern in that you are looking
21 to the longer bigger picture, the environment department can
22 only evaluate what has been presented to us, and this is for
23 the Test Phase. And I'm not trying to dance around your
24 question. We can't go outside of the application to ask
25 additional information, unless it relates directly to this

1 process that we're in now.

2 Kathleen, can you address perhaps the bigger
3 picture of how this impact --

4 MS. SISNEROS: Yes. Virginia, keep in mind I'm
5 real sympathetic with the extent of your question because
6 you as a citizen are looking at the big picture of WIPP, not
7 only the Test Phase but ultimately storage and, you know,
8 what happens after that. State government as a whole is
9 looking at those big pictures. That's what the governor's
10 WIPP task forces is charged with doing. We have any number
11 of task forces that deal with specific slices of the WIPP-
12 related pie. What we have here today is a very small piece,
13 the part that the environment department is working on right
14 now with respect to the permit. That's really the purpose
15 of this meeting is -- You know, we're seeking input on the
16 permitting process so that you as citizens can have your say
17 so that we can take those into consideration when we
18 evaluate the technical aspect of the permit application. I
19 don't want to say that your question and concern is not
20 valid. It's just that it doesn't fit into what we are
21 talking about today.

22 And as a matter of fact, during one of the
23 breaks this morning when I was talking to Tamie Smith what I
24 was telling her may be appropriate is for state government
25 as a whole -- what we probably need to do is to have a

1 meeting, at least one meeting where all the representatives
2 of state government that are working on WIPP come and meet
3 with the public. Because your questions are not categorized
4 like our work is. We deal with very specific laws, very
5 specific regulations. Those laws and those regulations only
6 allow us so much room to maneuver in. But you're looking at
7 the big picture. And you guys don't differentiate between a
8 Test Phase and a very small hazardous waste permit for that
9 Test Phase versus the overall purpose of WIPP and what
10 happens. So I'll certainly take that message back to the
11 secretary.

12 MR. DUKER: Tamie?

13 MS. SMITH: I would like to comment on that
14 discussion. I realize that we're supposed to stick to the
15 subject at hand. But there isn't one of us sitting in the
16 room right here who, if we found out garbage collection and
17 disposal of it in Las Cruces suddenly seeps, would run out
18 and continue to buy over packaged products, foods that we
19 were going to throw away half of because we bought more than
20 we needed. We would be very conscious of what we were
21 creating. WIPP has been going on for twenty years. Nobody
22 has said anything about maybe we shouldn't start making so
23 much before we know what we are going to do with it.

24 So I share her concern because I know that you
25 are working on only one picture. But WIPP is a puzzle. And

1 if we don't look at the whole overall thing, what happens
2 when it all comes together and the last very vital piece
3 doesn't fit? What are you going to do; go back to square
4 one?

5 MR. DUKER: Well, I think that's what Kathleen
6 was alluding to.

7 MS. SMITH: Yeah, your idea is great.

8 MR. DUKER: We're working on a piece of this.
9 And there's a lot of other state governments involved.

10 MS. SMITH: But I want her to know that she has
11 support and there are lots of people who feel that way, even
12 though I know it's --

13 MR. DUKER: That's one of the reasons we're
14 having these meetings.

15 MS. SMITH: The other thing I'd like to mention,
16 the reason I was late coming back, I called the radio
17 station here and I had to wait until the news came on which
18 was twelve something or other. Well, nothing came on about
19 it at all. And by the time I could get a hold of people,
20 everyone had gone to lunch. And they looked and they saw
21 nothing on record as having seen. Perhaps the
22 announcement's submitted. We can get one on.

23 I found out a long, long time ago, sending out a
24 press release is insufficient. I served on a committee that
25 was a statewide committee appointed by the governor many

1 years ago, Governor Apodaca. It had to do with education.
2 It was totally statewide. Lots and lots of press came
3 down. At the same time the Alcohol and Beverage Bureau
4 people were having meetings here. Their stuff came down.
5 Three days in a row there are pictures, there are articles.
6 You just can't believe what's in the paper. Nothing about
7 the educational meeting which involved parents, teachers,
8 students, everybody. I had to go around and conduct
9 workshops as did other people.

10 So I called up the editor. I was really
11 serious. And he says, You know, I get all this stuff on the
12 desk. You can't imagine how much I get from Santa Fe. And
13 he said, You know, there's just this big, big pile. And the
14 person who comes in and says, Hey, this is important and this
15 has to be brought out to the public's view, he says, that's
16 the one I get around to printing first.

17 So I'm mentioning this that when something comes
18 out from the state whether it's this issue or that issue,
19 you need someone from our local office or a citizen -- I'm
20 willing to volunteer my time, by the way -- or somebody who
21 will follow up personally and go and see the editor and go
22 and see the news person and the radio station and say, Hey,
23 this is really important and we need your help in spreading
24 the word, not just once, but throughout the news during the
25 day, a couple of times in the newspaper. Not the day before

1 because it's too late. Not two weeks before because people
2 forget about it by the time he turns around -- so those are
3 things I pass on. And I'm sure this must apply everywhere
4 in Deming too.

5 MR. DUKER: Well, your comments --

6 MS. COLLINS: Tamie, I appreciate your
7 comments. And we're certainly going to take you up on your
8 offer for assistance. And perhaps, you know, that's what we
9 need is to make a contact in the local communities. And
10 when we send out a press release, make sure that individual
11 also receives it and can kind of push it for us.

12 One other comment I would like to make with
13 respect to a concern that Virginia expressed with respect to
14 the activities and oversight activities concerning WIPP, we
15 are all paid by taxpayer dollars to hear the representatives
16 from the New Mexico Environment Department, the Department
17 of Energy, and ultimately Westinghouse. And even if an
18 individual tells you that a salary is paid for by DOE, you
19 may remind that individual that those DOE monies are not DOE
20 monies but are in fact taxpayer monies. And so you all are
21 paying for these services.

22 So I certainly, on behalf of the department,
23 really appreciate your showing up to discuss your concerns
24 with us because we really do want to hear from you.
25 Ultimately hearing from you at this point makes our job

1 easier in the future. So with that, I'll turn it back to
2 Tom.

3 MR. DUKER: Okay. Let's have one more comment
4 and then let's take a break. Okay? Virginia?

5 MS. HALLOCK: When you were listing what was in
6 this book, I don't remember that you ever said what criteria
7 would be used for not putting or taking the Test Phase out
8 and not putting anything in. What criteria would you use
9 for that?

10 MS. COLLINS: You mean for disallowing the
11 application to proceed?

12 MS. HALLOCK: No, no. You get your permit, they
13 put in the Test Phase.

14 MS. COLLINS: They start the activities.

15 MS. HALLOCK: Now, is there anything that says
16 at the end of the Test Phase what terrible thing must happen
17 before it actually -- they say we've wasted the money and we
18 can't use it? Is there anything that says that?

19 MS. COLLINS: That has to do with closure and
20 what activates closure.

21 MS. SISNEROS: I think what she's asking is what
22 constitutes a failure. You know, what would trigger a
23 DOE/Westinghouse decision that, you know, that in fact the
24 test phase has shown it's not appropriate to use WIPP for
25 storage? Is that correct?

1 MS. HALLOCK: Is that covered anywhere?

2 MR. GARCIA: No, that's not part of the
3 application itself.

4 MR. DARABARIS: You have a time frame at the end
5 of five to seven years or whatever the time frame is that's
6 ultimately decided by the Secretary. At the end of that
7 time frame, the Test Phase is over with.

8 MR. DUKER: I don't think that's what she's
9 asking, though, John.

10 MS. SISNEROS: What would constitute a failure?

11 MS. WALKER: She's asking for the regulatory
12 criteria for a failure. 191 requirements that are currently
13 under consideration, no migration within 7,000 years.
14 There's specific technical aspects that must be demonstrated
15 that are in different regulations. One of them is the 40
16 CRF-191. There are some requirements that must be evaluated
17 relative to other RCRA requirements. The land disposal
18 description has some very clear things in the no migration
19 determination by EPA that must be met. There is a broad
20 list of technical issues they have to demonstrate. Yes,
21 there's works. There's works. And those are just two
22 examples of the regulation --

23 MS. COLLINS: But that decision comes from
24 DOE/Westinghouse, and they would come back to the state and
25 say, We are initiating closure at such and such a time. But

1 MS. SMITH: Before that. During the Test Phase
2 time.

3 MR. DUKER: I believe he's talking about the
4 permit --

5 MR. GARCIA: There would be a permit issued for
6 the Test Phase, but monitoring an inspection requirements.

7 MS. HALLOCK: By you?

8 MR. GARCIA: Yes.

9 MS. SMITH: Is it conceivable; that is in two
10 years you would be going down there and check out how things
11 are going? I mean don't go down any further. We just can't
12 do it. Is that possible? Do you have that authority or
13 does the whole thing have to do all the way through?

14 MR. GARCIA: You mean if they were not meeting
15 the permit requirements that we had put out in terms of
16 storage --

17 MS. SMITH: They might be meeting them, but the
18 results that everyone is hoping for may not come about.

19 MR. GARCIA: We're not involved in evaluating
20 their design.

21 MS. SISNEROS: There are provisions in the State
22 Hazardous Waste Act that allow the Secretary to terminate a
23 permit. However, the incidents are very specific non-
24 compliance, if we find that they lied on their application,
25 things like that. There is some authority, but I don't

1 material might contaminate the groundwater. Well, the
2 groundwater in that area is so salty that it can't be used
3 for anything anyway. And if the radioactive material gets
4 into the water, why, it's so salty already that it's not
5 usable for anything.

6 Another thing I would like to mention is the
7 transport containers that they have built for transporting
8 the hazardous waste material.

9 MR. DUKER: If I could just interrupt you just a
10 minute here, John. I know that you weren't here earlier and
11 didn't have the benefit of what we did.

12 MR. GEORGE: No.

13 MR. DUKER: What we're doing right now is having
14 public information meetings which are regarding the writing
15 of a permit application for the Test Phase only of the WIPP
16 location.

17 Transportation issues and so forth are not a
18 part of this particular thing, and we're focused, you know,
19 here on writing the permit just for the five- to seven-year
20 Test Phase that if this is approved and so on, it will allow
21 them to proceed with, you know, just this particular Test
22 Phase. And what we're doing is we are in the process of
23 writing it, so this is why we're soliciting suggestions or
24 comments on concerns from, you know, people like yourselves,
25 citizens of our state about that particular aspect of the

1 test permit. Once it's formulated, once that whole
2 technical review has gone on, then there will be formal
3 hearings, you know, that will follow probably next spring on
4 this. But, you know, even though we would certainly, you
5 know, realize there's a lot of concerns about a lot of
6 issues, it's a huge broad picture and we're working at this
7 particular stage on the formulation of a test -- or I should
8 say a permit to permit the test to go forward. So that kind
9 of brings you up to date a little bit on what we did
10 before.

11 MR. GEORGE: Yeah. Well, maybe what I've got to
12 say here is superfluous.

13 MR. DUKER: But we don't have a large crowd.
14 And we are limiting people ten minutes. If you want to take
15 a little time here just to voice your concerns, sir, that's
16 fine.

17 MR. GEORGE: Well, anyway, if people knew about
18 the hazardous wastes that moves on the highways around here,
19 I think they would be greatly shocked. And it's not very
20 well controlled or monitored. There might be a lot of
21 people around here that might be shocked to know that
22 there's radioactive material stored in two locations within
23 50 miles of here. And you might say, Oh, it's White Sands.
24 Well, that's not true. It's not at White Sands. As a
25 matter of fact, this material is -- I understand is so hot

1 that it glows. But you have nothing to be alarmed about.
2 It's well protected and well supervised and controlled. If
3 anyone has any questions about what I have had to say, why,
4 I would be glad to answer them. If not, I thank you very
5 much.

6 MR. DUKER: Thank you, sir, for your input. I
7 believe there's something over here.

8 MS. HALLECK: You said the transportation has
9 nothing to do with this permit. How are you going to get
10 the stuff down there that they're using in the Test Phase?
11 That's something in support of this.

12 MR. GARCIA: That's correct. But what we are
13 looking at is permitting the facility to store and utilize
14 the waste in the Test Phase experiments. The transportation
15 is not really a part of the permit to authorize that
16 Transportation, Federal Department of Transportation laws
17 and statutes, and the canisters themselves are really
18 certified by the Nuclear Regulatory Commission. So those
19 are things that are being looked at but they're not part of
20 this permit itself.

21 MR. DRIETH: Virginia, transportation from a
22 standpoint of off site is evaluated. In other words, it is
23 kind of literally down it. It is hard to evaluate it as
24 part of the permit, that's off-site transportation.

25 MS. HALLECK: Well, It has to be transported

1 there before they put that stuff in for the Test Phase. And
2 one of the main processes is worrying about accidents during
3 transport; right? That's not part of the Test Phase.

4 MR. GEORGE: Could I ask her a question?

5 MR. DURABARIS: Surely.

6 MS. COLLINS: Please do.

7 MR. GEORGE: At Sandia Labs, one of the tests,
8 they put a container on a truck, trailer-tractor rig. The
9 tractor has remote control, and they run the tractor into a
10 tremendously reinforced concrete wall. The truck and
11 trailer were destroyed but the container did not leak. In
12 fact I said I'd much rather see them transport that stuff
13 than a lot of stuff that they're hauling now on the highways
14 that we don't know anything about.

15 MS. COLLINS: I just want to say, again, what
16 our bureau chief said is that the transport, I believe, is
17 under the regulations of the Department of Transportation.

18 MS. UNIDENTIFIED SPEAKER: If you have another
19 meeting, would you get somebody in from the transportation
20 department to talk about that?

21 MR. GARCIA: We can. The thing is that we don't
22 want to, you know, take the focus away from the permit. I
23 think it can be addressed in a small proportion --

24 MS. UNIDENTIFIED SPEAKER: I meant --

25 MS. COLLINS: In another forum.

1 MS. UNIDENTIFIED SPEAKER: Yeah, another. When
2 you have a bigger meeting down here. You may have another
3 meeting later.

4 MS. COLLINS: She's talking about a general
5 meeting as opposed to the hearings.

6 MS. UNIDENTIFIED SPEAKER: Yeah.

7 MS. SISNEROS: If the state has a general
8 meeting, we would invite representatives from the
9 transportation department. I believe that the governor's
10 WIPP task force has had meetings all over the state. I
11 don't know if they have had one down here in Las Cruces. I
12 would have to go back and check.

13 MR. DUKER: Okay. Well, we certainly appreciate
14 your questions and concerns here, John. Certainly
15 appreciate you taking the time to come here today.

16 MR. GEORGE: Thank you.

17 MR. DUKER: And anything that we hear in these
18 meetings, we're conducting around the state. We're
19 certainly going to be reported. They're going to be looked
20 at. Any written concerns, I believe, in our press release,
21 we have indicated that Susan Collins here is the person to
22 write to, you know, with the input. And they have to put
23 her name on it so that she gets to handle all of that. But
24 we do appreciate the participation a great deal, and anybody
25 else who's taken the time to come here today.

1 MR. GEORGE: Well, I think we would all be a lot
2 safer with that stuff buried in the salt beds than leaving
3 it laying around. And I think the transportation of it is
4 -- they have got that well taken care of.

5 MR. DUKER: Like I say, there is a lot of
6 different departments, a lot of different parts of
7 government involvement. You know, we're focusing on one and
8 there are other agencies like the Department of
9 Transportation that focus on other issues. It's such a
10 large puzzle with so many pieces that one person or one
11 group alone can't really handle every portion of it.

12 (WHEREUPON, a discussion
13 held off the record.)

14 MR. DUKER: We will be doing that again
15 precisely at six o'clock. We do intend to break between
16 five and six to grab a quick bite to eat because we'll be
17 traveling tonight after nine to Roswell to do the same thing
18 tomorrow morning at nine o'clock to nine at night. So it's
19 going to be an interesting evening. Yes, ma'am?

20 MS. SMITH: I think the comments that were made
21 really indicate that what we need is some kind of a
22 sit-around-and-talk meeting with a representative who is
23 associated with each aspect, nothing to do with permits,
24 nothing to do with anything else, and that would include
25 you, maybe different people from the environment department.

1 MR. DUKER: I believe, if I'm not mistaken,
2 Kathleen, that kind of thing is what could be addressed to
3 the governor's task force.

4 MS. SISNEROS: Yes.

5 MS. SMITH: Is that something that would come
6 through you or is that something that it sends or by a
7 citizens' group? Can you say that this request has been
8 made by people --

9 MS. SISNEROS: You know, when I go back, I
10 intend to brief Secretary Espinosa on the fact that --

11 MS. SMITH: From the interest.

12 MS. SISNEROS: -- of the interest that we met up
13 with in these public meetings is certainly much broader than
14 our permit. And I'm sure she will take that to the
15 Governor's Task Force. But it is the Governor's Task
16 Force. And you as citizens certainly have a right to talk
17 to that task force to address them and ask for a meeting.
18 As I said, the Governor's Task Force, I know, has had
19 meetings throughout the state. I don't know if Secretary
20 Espinosa sits on that. I don't think if they have had one
21 here in Las Cruces.

22 MS. SMITH: I don't think so. Because I was
23 involved in with this -- whenever it was -- in 1969, I
24 think, '72. We had a very strong organization here because
25 we were on the route. And we had citizens and we were

1 opposed to the dumping, which I think is the feeling on the
2 part of many people. And our organizations was citizens
3 opposed to nuclear dumping, COND. We had a very active
4 group. We were affiliated with Southwest Research in
5 Albuquerque and other environmental organizations where
6 there was scientific expertise. A lot of studies were
7 good. We did some good work, put out good papers. And we
8 were concerned about the original location that was going to
9 be dug for WIPP because there was a situation that there was
10 water there which indeed didn't turn out to be the case and
11 so on and so forth. So for several years there was a very
12 active group. But then we got off the route.

13 So over 20 years, a lot of people who were
14 involved are not even here anymore. New people have come in
15 from elsewhere. And people who you would think know what
16 WIPP is say, What is WIPP? So they don't even know what it
17 means. So it's wonderful that you're down here. We need to
18 get involved. I mean even though we don't live here, we
19 have to address issues in our state that aren't just in our
20 back yard, and this is a wonderful way to do it.

21 So when you're getting all these questions, you
22 won't find this, I don't think, in Santa Fe or Albuquerque,
23 Roswell or Carlsbad because they have been involved in this
24 for so long and we have been out of the loop for a long
25 time. So that's why you're getting things that you just

1 didn't anticipate --

2 MR. DUKER: We understand that.

3 MS. SMITH: -- and basically inappropriate for
4 what you're here for.

5 MR. DUKER: We certainly understand that. And
6 we did anticipate that. You know, what we wanted to do was
7 to focus on this. We really wanted people to understand,
8 you know, what we are doing at this particular point. But
9 we also realize that the concerns and questions are much
10 broader, you know, over the whole spectrum of this. Your
11 suggestions will certainly be noted. And I know that
12 Kathleen will take this back to Judy Espinosa. And, again,
13 that Governor's Task Force would certainly be an appropriate
14 place for you to go to and other people because that's what
15 they're there for. And they will do good, hopefully. Well,
16 thank you.

17 (WHEREUPON, a discussion
18 held off the record.)

19 MR. DUKER: We're going to take an official
20 break.

21 (WHEREUPON, a recess taken.)

22 MR. DUKER: If Lucille Nolen will come up here.

23 MS. NOLEN: (Witness complies.)

24 MR. DUKER: If you, for the reporter here will
25 state your name, and if you have a title or if you are

1 representing an organization also.

2 MS. NOLEN: I'm not representing anyone except
3 myself, although I belong to an organization. I'm Lucille
4 Nolen. I live at 5755 Coronado Road here in Las Cruces.
5 And I have a couple of comments and then a question.

6 I guess the first comment is, I feel that all
7 safety precautions, tests, whatever that have been set up
8 for this site, should be completed before any hazardous
9 waste is moved from the origination site.

10 The second comment I have is I feel that
11 wherever the hazardous waste comes from and going to any
12 location whether it's New Mexico or anywhere else, I feel
13 this is a concern we all need to think about, is that a
14 qualified person from the state in which the storage is to
15 be maintained should be on site when the material is put
16 into the drums so that they can be assured of what is going
17 to be stored in their state.

18 The third thing I wanted to touch on was a
19 question, and I'm not sure if this one is proper there. But
20 it seems to me if it's safe enough to test materials at a
21 particular site, why cannot they be stored at the very same
22 site, instead of being transported across many states,
23 county lines with a potential danger of an accident? And I
24 understand that there is the ability to store hazardous
25 waste at the origination site, for many years to come. So I

1 feel like that is something that should be considered.
2 Let's leave it where it is and not take the chance of it
3 endangering people's lives by moving it from state to state
4 or county to county. That's all I have to say.

5 MR. DUKER: Patty, could you answer that
6 particular concern that she just brought up?

7 MS. BARATTI-SALLANI: On the movement?

8 MR. DUKER: Yes.

9 MS. BARATTI-SALLANI: Most of the facilities
10 where the waste is located does not have adequate storage
11 space for all the waste to stay there on a permanent basis.
12 Also, some of the older facilities are in the process of
13 being cleaned up and they probably would have to go out and
14 get simple additional permits.

15 MS. NOLEN: It was my understanding that at
16 least one site had the capacity for up to a hundred years;
17 is that not true?

18 MS. COLLINS: Do you know what site you're
19 referring to?

20 MS. NOLEN: I don't recall whether it was -- I
21 don't believe it was Los Alamos. Is that not correct?

22 MS. COLLINS: Waste from WIPP is coming from two
23 generator sites during the Test Phase. That's Rocky Flats
24 and National Lab. So those are the only two sites where
25 WIPP will be received in New Mexico for the Test Phase

1 period of time.

2 MS. NOLEN: Well, it seems to me that there is a
3 great expense involved in moving it from one place to
4 another, and if it's going to cost the amount of money that
5 I'm sure it would be, why not use that money to just keep it
6 where it is? That would be less dangerous as far as the
7 population all over. Because if it's safe enough where it
8 is, then it should be safe enough to be stored. That's my
9 feeling. And I would like that to be considered.

10 MR. DUKER: Okay. We've noted that. And thank
11 you very much for your comment on that.

12 MS. NOLEN: You're welcome.

13 MR. DUKER: Yes, Tamie?

14 MS. SMITH: I have a question. After the Test
15 Phase from the material from those two sites -- I know this
16 isn't on the subject. I'm just curious. About how many
17 sites are involved in waste that will be stored at WIPP
18 assuming the tests presume it is a good place to store it?
19 Do you happen to know? I know they've moved this from 23
20 states, but I don't know how many actual sites would be
21 involved in the permit of storage.

22 MS. COLLINS: We haven't received any requests
23 for DOE, and of course we have not evaluated that because
24 we're still in the Test Phase period. We're evaluating the
25 application, but it is my understanding that there are ten

1 generator sites where waste is ultimately intended to be
2 dumped.

3 MS. SMITH: And these two are, for instance, the
4 representative of those?

5 MS. COLLINS: I can't address that. I can only
6 address what we've reviewed in technical review, the waste
7 from Rocky Flats.

8 MR. DUKER: Anything else? Anyone else that
9 could address that question that was just put forth there?

10 MR. JOHNSON: I can answer that. DOE has ten
11 sites for waste; it's either generator. They're scattered
12 all around the country. And if you need the names of them,
13 I can provide a list.

14 MS. SMITH: So are these two sites considered to
15 be representative of types of material that's in the
16 remaining sites.

17 MR. JOHNSON: Yes.

18 MS. SMITH: So that you won't have to go through
19 this and go through each site. If what you're testing now,
20 if you get the permanent -- the Test Phase goes through,
21 that gives the okay not only for the two sites involved in
22 the Test Phase, but for the remaining generating sites to
23 have storage of WIPP?

24 MR. JOHNSON: In the sense that the waste that
25 is in the Test Phase characterizes the waste from the other

1 sites, they will be acceptable. The waste that are not
2 characterized by the Test Phase would have to go through a
3 similar program.

4 MS. NOLEN: May I ask one additional question?

5 MR. DUKER: Yes.

6 MS. NOLEN: It was my understanding that the
7 Department of Energy wants to transport some of this before
8 all of the testing is completed that was already set up. Is
9 that true, and if so why?

10 MR. GARCIA: I don't think I can answer your
11 question about what DOE is planning to do. I can tell you
12 that if it's a mixed waste under RCRA where the state has
13 the authority to permit or allow the use or storage of that
14 material at the WIPP site if it's other than the hazardous
15 or mixed waste, we have.

16 MS. NOLEN: What do you mean by "mixed waste"?

17 MR. GARCIA: That would be a radioactive
18 material with a RCRA hazardous chemical waste component.
19 The two are together as one waste. They're mixed together.
20 If it's strictly a transuranic radioactive waste, it would
21 not be part of this permit. And it might be possible for
22 DOE -- and you may ask DOE or their contractor if such
23 transportation with transuranic waste only could occur. It
24 is my understanding that it's a very small volume that is
25 not a mixed waste but transuranic only. But I suppose the

1 possibility exists that they could do that. But I don't
2 know if Patty or Jack could address that.

3 MS. NOLEN: Is mixed waste a more hazardous
4 commodity to move from place to place.

5 MR. GARCIA: I wouldn't think so. Can you
6 address that, Patty, at all?

7 MS. BARATTI-SALLANI: I really don't have the
8 data on that at all.

9 MR. GARCIA: I don't know what DOE is planning
10 to do with strictly transuranics. I have no idea. I don't
11 know what volume of comparison is or wastes that are
12 strictly transuranic waste. I don't know if Jack has any
13 idea.

14 MR. JOHNSON: That gets into the disposal phase.

15 MR. GARCIA: Yeah, that's not part of this
16 permit phase.

17 MS. NOLEN: So wasn't the reason for the permit
18 to not require all of this testing that was set up prior to
19 this? Wasn't that what the permit was, to go ahead and move
20 some of this material before all of the testing and safety
21 measures had been taken?

22 MR. GARCIA: Not at all, no. As a matter of
23 fact what we are looking at is really probably requiring
24 more intensive characterization of the waste through the
25 permitting process than would have been required without

1 it. So I really don't see that as a valid point. I think
2 what we are looking at from the state's viewpoint is to try
3 and get a comprehensive and real specific characterization
4 of the waste before it's allowed to be used and stored at
5 the WIPP site.

6 MS. NOLEN: You're talking about content?

7 MR. GARCIA: Yes, ma'am.

8 MS. SMITH: Since we don't have a bunch of
9 people, could we be informal and ask questions that might
10 satisfy people's curiosity? For example, I know that you
11 were differentiating between barrels and containers. How
12 about describing the containers. I think it might be
13 helpful for people to know that. I'm interested because I
14 really hadn't differentiated until I talked to you.

15 MS. COLLINS: John, could you give us a look-
16 see on what --

17 MR. DARABARIS: When you're talking about 55-
18 gallon drums, with the understanding of waste box, you're
19 going to have five to six drum volumes, and that's going to
20 be a specially designed container that will have features
21 that will allow a degree of purging and control of the waste
22 and the waste generation activities within the bin itself,
23 the waste transformation activities, in order to allow the
24 test to generate data and also to control characteristics
25 within the waste bin. And that bin will have features that

1 will allow for safe storage during the time frame of the
2 Test Phase, as well as auxiliary design features that allow
3 for the control of any gas or any brine generation that
4 occurs during the Test Phase. At least that's the intent.
5 We're still in the process of actually reviewing the test
6 bin design, so I'm not speaking conclusively or that they
7 have demonstrated that that's the intent. And I believe
8 there's a plan.

9 MS. NOLEN: When these are transported in the
10 drums or whatever, the container, are they then inside
11 another enclosed area so that there's never -- just the
12 drums itself hauled on a truck or whatever method to move
13 them from place to place?

14 MR. DARABARIS: Yes.

15 MR. GARCIA: Maybe we can answer that question
16 on how they're transported. Anybody?

17 MR. LOPEZ: What I have heard is that, you know,
18 it is the true pack, three true packs to a truck and each
19 one being of two stamped waste boxes per true pack, and it's
20 the standard waste box stored inside the container and that
21 one is stored inside another container with some allowances
22 for them, and then the outer shields.

23 MS. NOLEN: Are these moved by truck or train?

24 MR. LOPEZ: Truck.

25 MS. NOLEN: Are we taking precautions to move

1 them during certain hours that are less heavily trafficked
2 or is there any consideration of that?

3 MR. DUKER: Somebody from --

4 MR. LOPEZ: I heard Roswell. In Roswell there's
5 a window that can be moved. I think the window is midnight
6 to six o'clock in the morning or something like that.

7 MR. GARCIA: That's the only restriction?

8 MR. LOPEZ: Excuse me?

9 MR. GARCIA: That's the only restriction?

10 MR. LOPEZ: Yeah, that's the only restriction
11 that I know of in the city of Roswell.

12 MS. NOLEN: Will the general public have any way
13 of knowing if they're moving along the highway at the same
14 time these vehicles are, so that they can give them a little
15 room?

16 MR. DUKER: Again, I think that that might be a
17 question better directed to somebody from DOE/Westinghouse
18 over here. Again, it's not part -- even though we're being
19 a little informal because of the lack of people here, it
20 doesn't really have a part of this particular permit
21 process.

22 MS. NOLEN: I understand.

23 MR. DUKER: But just for general information, if
24 they could answer a question like that for you. If you
25 could comment on that, Jack.

1 MR. JOHNSON: Yes. The safeguards that are
2 developed within the transportation system has it
3 established so that they're on the road the least amount of
4 time as possible. The driver's are the best trained drivers
5 in the world. They have to pass excruciating driving tests,
6 and then if they have one accident they're fired, period, no
7 second chance. They will be on the road in pairs. The
8 loads will go through as quickly as possible in order to
9 accommodate the minimum amount of potential exposure for
10 anybody, any of the public. In other words, the trucks are
11 limited to a 55-miles-an-hour speed limit on other roads
12 besides interstates.

13 MS. NOLEN: That's the part that -- I really
14 wasn't what I was asking. What I was asking, you see trucks
15 that say "flammable" or "explosives" or whatever. Will they
16 be labeled so that people will take extra precautions?

17 MR. JOHNSON: Absolutely. They will have the
18 required labels on them that are required by the Department
19 of Transportation. They will be showing -- They will have
20 the radioactive waste. And they look like three giant tram
21 oil filters on a trailer. They're different from any other
22 load, maybe a Haliburton cement truck. So you can see them
23 and you can tell what they are. The transportation is the
24 safest designed anywhere in the world. They have been
25 through fire tests, culture tests, drop tests, everything.

1 And there is absolutely no leakage after excruciating series
2 of tests that were much more stringent than what is called
3 for in the regulations.

4 MS. COLLINS: Ms. Nolen, I have Volume 1 of our
5 application there, and maybe during the break you can come
6 up and look. And we have pictures. We have diagrams of the
7 two pack containers so that this might be a good reference.

8 MS. NOLEN: I have a very brief time because I'm
9 on a time schedule, but I would be interested in looking at
10 it.

11 MS. SMITH: May I ask another question? It may
12 be more properly addressed to Jack.

13 When shipments are going to be going through and
14 not necessarily in the state but any state, is there going
15 to be provision made so that people can in civil defense or
16 civil preparedness will know that -- The reason I'm asking
17 is because we've a civil preparedness organization here in
18 Dona Ana County. And we're on the computer system, so, for
19 example, we can identify every business in town that has a
20 certain percentage of hazardous or toxic material, the
21 little emblem that they have to put on the wall. And we
22 know exactly where in that building the stuff is stored.

23 I met with the civil defense director here last
24 week prior to you all coming down here, and I'm hoping
25 they'll have a representative to listen to your

1 a seven-day notice of shipments and also a 30-minute notice.

2 MR. DUKER: Did we have another new person? No
3 speaker? Okay. We will take another little quick break
4 here. Obviously we do not have any further presenters at
5 this particular point. As I mentioned, we will be here
6 should others come in. But let's take a ten-minute break at
7 this point. It's now 2:26 and we will be back here in about
8 ten minutes.

9 (WHEREUPON, a recess taken.)

10 MR. DUKER: We will reconvene here. I
11 understand we have a gentleman here who has signed up who
12 would like to address this group here. Mr. Haltom, is it?

13 MR. HALTOM: Yes.

14 MR. DUKER: Just to bring you up to date a
15 little bit, we have had presentations at nine o'clock this
16 morning, twelve noon, and we will be doing one at six by
17 both the New Mexico Environment Department, the WIPP
18 coordinator, and also by the Department of Energy. I am
19 more or less facilitating these. And one thing that we did
20 ask the other people who wish to comment here is that since
21 this is public information meeting to solicit input from the
22 citizens of New Mexico on the permit application process
23 that we're going through for the Test Phase that we stick to
24 those issues as much as possible. And anticipating -- or I
25 should say not knowing how many people are going to be here,

1 we allocated ten minutes per each person who would like to
2 present.

3 If you have some questions that you would like
4 to ask, and if we can and are in a position to answer those,
5 we will direct them to the proper person for you. Or you
6 may make a comment or whichever you wish. So if you would
7 be so kind, with just that little brief overview of what
8 we've done here, come up here so that the court reporter can
9 hear you well. And if you would give her your name and
10 title or position or organization, if appropriate.

11 MR. HALTOM: I am John Haltom. I am a City
12 Councilor for the City of Las Cruces. My district is
13 District 6. I am not presenting to speak for the City
14 Council for the City of Las Cruces. I'm here as an
15 individual who thinks he represents the district or the
16 people of the district who elected him.

17 I don't presume to be an expert in these
18 matters. My own field of study is political science or
19 government, as they call it at New Mexico State University
20 here where I was a professor for approximately 16 years. So
21 I can generally cover what I wish to say by saying that I
22 support the permit application concerns of concerned
23 citizens for nuclear safety. I have seen a copy of their
24 express concerns and they appear to me to make imminent
25 sense. They are not an attempt to prevent the opening of

1 WIPP. They are simply, it seems to me, expression of
2 concern regarding what would happen if WIPP is open or when
3 WIPP does open.

4 And specifically or particularly, I think that
5 there is a suggestion that the New Mexico Environmental
6 Department review newly required changes for DOE Test Plan
7 to determine if permit modifications are needed, and that
8 makes sense to me, that the New Mexico Environmental
9 Department require the procedures to incorporate methods of
10 determining exactly what materials are in the waste drums
11 through independent investigations or inspection to be paid
12 for by the applicant.

13 That they forbid use of any part of WIPP storage
14 for interim storage test plan should the test plan eliminate
15 WIPP as a permanent storage site. I understand their reason
16 for that is that they're afraid that once there, that the
17 materials will stay there, regardless of whether there is a
18 capacity to hold it.

19 That the permit require -- or that the
20 application require that all of the WIPP site, including the
21 waste handling building be included, and that the DOE be
22 required to submit a contingency plan for abnormal closure
23 or collapse of the test rooms during the Test Phase.

24 Again, I do not presume to be an expert in these
25 matters, but these precautions seem to me to be reasonable

1 expectations for the Environmental Improvement Department.

2 I certainly would suggest that the environmental
3 department not respond or not give in to pressures to hurry
4 the process up. This has been going on for a number of
5 years. This is the key time to know, to learn what is
6 involved and what dangers are involved in the storage. So
7 it seems to me that any pressure to expedite, to cut corners
8 should be resisted by the department, and that certainly no
9 effort be made to complete this before the administration's
10 change from President Bush to President Clinton -- or
11 President-to-be Clinton. That's all I have.

12 MR. DUKER: Thank you, sir, for your comments.

13 MS. COLLINS: Mr. Haltom, we plan on responding
14 to everyone that has raised concerns or gives us written
15 material, so you will get a response from us.

16 MR. HALTOM: Thank you.

17 MS. SISNEROS: Mr. Haltom, I'm Kathleen Sisneros
18 from the Environment Department. I can certainly assure you
19 that we are not going to complete the process before the
20 president elect assumes office. The hazardous waste
21 permitting process does not lend itself to those kinds of
22 time frames, I can assure you.

23 MR. HALTOM: I think there is concern that the
24 new requirements for the Test Phase might not be
25 incorporated into the permit, and I can understand the

1 25th of this year. So if there is any further written
2 material of any type that needs to be submitted, please do
3 so before that date. Is that correct?

4 MS. COLLINS: That's correct.

5 MR. DUKER: Well, again, we have come to that
6 point in time where we have nobody else making a
7 presentation. I was worried whether I was going to have a
8 chance to have a cup of coffee today or not.

9 (WHEREUPON, a recess taken.)

10 MR. DUKER: Good evening. Welcome to the New
11 Mexico Environment Department's Public Information Meeting
12 on the WIPP Permit Application Process. While the New
13 Mexico Hazardous Waste Regulations do not require these
14 meetings, the Department is requesting input from citizens
15 early in this process.

16 It needs to be emphasized that this permit
17 application is only for the Test Phase at WIPP, and does not
18 include a request for permanent disposal of mixed waste at
19 the WIPP site. The requirements and the details of the
20 permit have not been completely formulated. That's the
21 reason for these meetings, to include your input in the
22 upcoming drafting of the permit.

23 Formal hearings -- and I emphasize "formal
24 hearings" -- will be conducted at a later time when the
25 actual permit has been drafted.

1 In order to provide the time for all interested
2 persons to express their thoughts, we've instituted a basic
3 procedure for the conduct of these meetings. If you wish to
4 make an oral presentation, please sign up for an available
5 time at the table by the door. This will be on a
6 first-come-first-serve basis. You will be called upon for
7 the time for which you have signed up. You may make a
8 statement or presentation or ask questions of the
9 participants up here, but you are requested to stay within
10 the allotted time of ten minutes per speaker, so as not to
11 take away from others who follow you. All oral
12 presentations will be recorded here by our reporter.

13 If you wish to submit any written material,
14 please do so also at the sign-up table. A register has been
15 provided to log in the number of submitted written
16 materials. All written input will be read and studied
17 thoroughly. I was reminded that any written input that you
18 wish to submit to us, needs to be to us no later than
19 November 25th, this year.

20 In order to receive a summary at a later time,
21 please, again, give your name, title if applicable,
22 organization, and mailing address when you sign in. And
23 please print clearly and you will receive a reply.

24 We also ask that you please comment on the
25 issues at hand which are the WIPP Permit Application for the

1 Test Phase. The New Mexico Environment Department wants to
2 hear from as many citizens as possible. In order to
3 accomplish this and be fair to everyone who wishes to
4 comment, it is important that all individuals stick to this
5 particular issue and stay within the time which is
6 allotted. These meetings are very important to all of us.

7 Obviously demonstrations or any other disruptive
8 behavior cannot be allowed at these meetings, and they will
9 only serve to cause delays or prevent others from being
10 heard, and in an extreme case, possible termination of the
11 meeting.

12 As was mentioned, this is an early stage of the
13 WIPP Permit Application process. Some questions may not be
14 able to be answered at this time, and that's simply because
15 we're just in the process.

16 Future formal hearings, as I mentioned, will be
17 held once the draft is written. But your input here today
18 is what will help influence this document.

19 Now, as these meetings began at nine o'clock
20 this morning and they run until nine o'clock tonight,
21 obviously there's a need at times to take a break. We have
22 already taken both a lunch and a dinner break. And in the
23 time between now and nine o'clock, we will take a ten-minute
24 break approximately 7:20.

25 Again, for your information, there is no smoking

1 in this room. And if you need to, just outside that back
2 door, down the hallway to the left are both men's and
3 women's rest rooms.

4 At this time I would like to introduce to you
5 the participants in this meeting here. In the very back of
6 the room is Kathleen Sisneros. She is the Director of the
7 New Mexico Environment Department Water and Waste Management
8 Division.

9 Benito Garcia right here is the Chief of the
10 Hazardous and Radioactive Materials Bureau.

11 Susan Collins over here to my right is the WIPP
12 Permit Coordinator for the New Mexico Environment
13 Department.

14 Over here, consultants from the A. T. Kearney
15 Company. Right here is Connie Walker. That's John
16 Darabaris, Program Director; and over there at the end is
17 June Drieth.

18 We also have from the United States Department
19 of Energy Patty Baratti-Sallani, back over here; and also
20 Jack Johnson with Westinghouse.

21 And my name is Tom Duker. I'm the facilitator
22 or moderator for this particular meeting. And I'm with the
23 New Mexico Environment Department. At the sign-up table we
24 have Tamie Smith, who is a representative here from CCNS.
25 And she is there if you wish to sign up and receive their

1 newsletter.

2 Okay. At this particular time we will have a
3 brief presentation by Susan Collins, who, as I mentioned, is
4 our WIPP program coordinator. Susan is with the New Mexico
5 Environment Department Hazardous and Radioactive Materials
6 Bureau. Her presentation was given earlier at both nine
7 o'clock this morning and twelve o'clock. And this one will
8 be her last presentation of the evening. Susan?

9 MS. COLLINS: In the time that I have, I would
10 like to give you a brief review of the permitting process,
11 and then specifically address the status of the WIPP Part B
12 application. To do this I'm going to address four key
13 issues: Why is the State of New Mexico reviewing the WIPP
14 application? What is the test phase? What's in the
15 application? And what's the status of the review?

16 First key issue is why are we reviewing the WIPP
17 application submitted by DOE/Westinghouse? For facility, in
18 order to obtain the legal right to treat, store and/or
19 dispose of the regulated hazardous waste, a facility must
20 formally apply for a Resource Conservation and Recovery Act
21 permit, commonly known as the RCRA Part B permit.

22 DOE/Westinghouse has submitted a RCRA Part B
23 WIPP permit application for the WIPP Test Phase.

24 What is the test phase? The Test Phase is a
25 period of time during which various tests will be performed

1 to evaluate the suitability of WIPP for long-term disposal.
2 DOE/Westinghouse has developed Test Phase plans describing
3 the activity and test that will be performed during the Test
4 Phase.

5 NMED has examined elements of the test plans
6 that apply for the Part B permit application, specifically
7 those elements insuring that DOE/Westinghouse will safely
8 manage the waste to be placed at WIPP. NMED cannot evaluate
9 the technical merit of various tests because some of those
10 are being performed to evaluate compliance with regulations
11 other than RCRA. However, if a permit is issued,
12 DOE/Westinghouse cannot implement a change in the test plan
13 that affects the RCRA permit without notifying the New
14 Mexico Environment Department. If DOE/Westinghouse were to
15 do this, they would be in violation of the permit.

16 Conversely, should DOE/Westinghouse want to
17 implement tests not technically reviewed in process that
18 we're in now, the appropriate regulatory mechanism would be
19 to request a permit modification which would then require
20 another public reviewing period.

21 To return to the question of why DOE has
22 submitted a Part B application, DOE/Westinghouse wants to
23 store and test hazardous waste that is mixed with
24 radioactive waste, hence the term "mixed waste." This
25 activity does require a RCRA permit.

1 I would like to point out that your regulatory
2 authority is over the hazardous component of this mixed
3 waste. Because the radioactive component can't be separated
4 from the RCRA hazardous waste, the New Mexico Environment
5 Department regulates all of it. An example of a mixed waste
6 might be a glass beaker that's contaminated with both a
7 radioactive and a hazardous waste.

8 Now, we know why the New Mexico Environment
9 Department is reviewing the WIPP application. This is a
10 facility that plans on conducting tests on storing mixed
11 waste. Let me tell you now what's in an application.

12 This is Volume 1 of seven volumes of the WIPP
13 application. The other six volumes are appendices. This is
14 the Volume one that has the meat and potatoes of the
15 application. This is divided into chapters.

16 The first chapter is Part A consists of several
17 standardized forms. It provides general facility
18 information such as name, EPA ID number, location, who the
19 owner-operator is. It also tells us what type of hazardous
20 waste activities are going to occur there. What's the
21 volume of hazardous waste and what types of hazardous waste
22 will be handled.

23 Chapter B, the second chapter, contains a
24 general description of the facility which expands the
25 information provided in the Part A. Typically Chapter B is

1 a detailed description of what business is conducted at the
2 site. It gives a physical portrait of the site: What does
3 it look like? There is a brief discussion of the RCRA
4 units. We call those RCRA units "hazardous waste management
5 units."

6 In this chapter, for example, we want to know,
7 Is the facility in the hundred-year flood plain? We would
8 want to see topographic maps. We need to know the
9 boundaries for the facility.

10 Chapter C of the RCRA permit application
11 addresses analysis and characterization of the hazardous
12 waste which will be handled during the WIPP Test Phase.
13 This chapter must include all the information needed to meet
14 the regulatory requirements to properly store and manage the
15 waste at WIPP during this Test Phase. Specifically we look
16 at, What are the wastes? Why are they hazardous? How labs
17 would test the hazardous waste to see what the waste
18 contains. In summary, we want to know in Chapter C the
19 hazardous waste designed for WIPP has been properly
20 characterized so that it can be properly managed there
21 during the Test Phase.

22 Chapter D. This really provides the nuts and
23 bolts of the unit design, what the units are like and how
24 the waste will be managed in the particular units. It
25 provides a discussion of the processes that go on with

1 handling and storing of the waste. This chapter gives
2 physical structure of the unit. What is the unit made of?
3 Is it steel? Is it concrete? This is very much an
4 engineering section using standardized engineering practices
5 that DOE/Westinghouse must follow to insure safe management
6 of hazardous waste.

7 Chapter E is Protection of Ground Water. This
8 chapter provides a complete description of measures to be
9 taken to protect groundwater from contamination. This
10 section was extensively evaluated by EPA as part of the no
11 migration petition.

12 Chapter F, Procedures to Prevent Hazards,
13 provides a discussion of the procedures followed at the WIPP
14 site to prevent hazards associated with each hazardous waste
15 management unit. The chapter provides a description of
16 security procedures and equipment at the facility and it
17 outlines inspection procedures and schedules.

18 The Contingency Plan, Chapter G, outlines what
19 the facility will do to respond to an emergency which is a
20 fire, an explosion or an unplanned release of hazardous
21 waste at the facility.

22 Note the difference between Chapter F and
23 Chapter G. The first, Procedures to Prevent Hazards must
24 address how to prevent hazards. But the contingency plan
25 which is a RCRA requirement, requires that the facility

1 address what happens when an unplanned event occurs.
2 Specifically, it tells us who the emergency coordinators
3 are, gives an evacuation plan and what will trigger an
4 emergency response. Also, it describes the reporting
5 requirements to local, state and federal agencies.

6 Training, Chapter H. This describes the
7 training people receive to operate and maintain the
8 facility. It also includes an outline of training programs,
9 job title and job descriptions. This gives the training
10 program content and emergency response training required for
11 all personnel.

12 Closure, Chapter I. This describes how each
13 hazardous waste management unit will be clean closed at the
14 end of its Test Phase life and how final closure will be
15 conducted. The plan must describe how the facility will
16 remove any hazardous waste, and then sampled to verify that
17 the remaining area is free from contamination. It provides
18 an outline for all closure activities, as well as for
19 providing a scheduled closure. The State of New Mexico will
20 require WIPP to clean close. This means that all waste
21 would be removed from both subsurface units as well as from
22 the waste handling building.

23 Now we know why we're reviewing the application
24 that's relevant to mixed waste. We know basically what's in
25 the application. How does the state determine if the

1 application is complete? This begins with an administrative
2 review to determine if all the pieces of the application are
3 present.

4 Once the facility has submitted an application,
5 our first step is to determine if all the required
6 information has been submitted. If you want to visualize a
7 hundred-piece puzzle, we would count to see that there were
8 in fact 100 puzzle pieces if we wanted to do an
9 administrative review on that puzzle. We would not consider
10 if all the pieces -- if the pieces were bent or broken. We
11 wouldn't consider if the puzzle was complete, and we
12 wouldn't consider if the pieces of the puzzle fit together.
13 We would just want to know if all the hundred pieces were
14 there.

15 For review of the Part B application, we would
16 want to know if all the chapters were there. We would want
17 to know if the contingency plan is there. We would want to
18 know if the closure plan is there and if it's complete. Are
19 the schedules present and the training and the description
20 present? But we don't evaluate it on the technical merit.
21 We just want to know if it's there. The administrative
22 requirements found in the regulations are what guide us in
23 this particular review.

24 Part B for WIPP has been reviewed by NMED staff
25 and in fact determined to be administratively complete.

1 This does not mean that the application is complete and WIPP
2 has a permit, but rather it means that all the required
3 pieces of the application as defined by the regulations are
4 present.

5 To review where we are presently. This is an
6 in-depth evaluation of the permit application. The purpose
7 of the evaluation is to determine if the application
8 satisfies the requirements of RCRA. During the interactive
9 period of the review, the regulator, myself in this case,
10 relies entirely on RCRA regulations for guidance to know
11 what to ask and conversely to know what I can't ask. This,
12 again, is an interactive period between NMED and the
13 applicant.

14 Deficiencies or weaknesses identified during
15 this review that require submission of additional materials
16 or modifications to the chapters that I just talked about,
17 we would request that additional information either
18 informally, say in a working group meeting between the state
19 and the applicant, or it might become a little more formal
20 communication with applicant; we call that a Notice of
21 Deficiencies.

22 Again, the purpose of the review is to determine
23 if the application satisfies the requirements of RCRA. To
24 summarize the review. It's interactive. It's ongoing. We
25 have weekly meetings with the applicant. We ask for data.

1 We request modifications to the application, and we ask for
2 a great deal more of detailed informations. This is where
3 we are now in the permitting process for this application.
4 What is unique to the process are the meetings we're now
5 engaged in.

6 At the direction of Secretary Espinosa, we have
7 scheduled these public meetings to involve the public in the
8 permitting process before the State writes either the draft
9 permit or Notice of Intent to Deny. This is your
10 opportunity to be involved to give us your comments on the
11 application, where you're concerned in general.

12 What happens next? What happens after these
13 meetings? The State finishes the review. We review public
14 comments and incorporate them where appropriate.
15 DOE/Westinghouse will receive our more formal communication,
16 the Notice of Deficiencies, that will list any outstanding
17 areas of concern. They will respond with another revised
18 Part B application. We review that application. We make a
19 tentative decision to either write a draft or to write a
20 Notice of Intent to Deny. We go forward with writing either
21 of those two documents. There is a public comment period.
22 There's a hearing. And we respond to comments made during
23 those hearings. And finally we incorporate those comments
24 and write a final permit that's submitted to the secretary
25 for her decision.

1 And that is the end of my presentation.

2 MR. DUKER: Thank you, Susan. Okay. At this
3 time I would like to call on Patty Baratti-Sallini from the
4 U.S. Department of Energy. And she has a brief presentation
5 before we go on to the portion where those who wish to speak
6 may do so. So if you would like to come up here.

7 MS. BARATTI-SALLANI: I am Patty
8 Baratti-Sallani. I work with the Department of Energy, the
9 WIPP project.

10 The WIPP project was authorized by the Congress
11 of the United States as a result of Public Law 96-164 which
12 was the Department of Energy National Security and Military
13 Application of Nuclear Energy Authorization Act of 1980.
14 Congress intends for the WIPP facility to demonstrate the
15 safe disposal of transuranic waste that results from various
16 defense activities in this country.

17 Recently the Congress restated its intent in the
18 WIPP Land Withdrawal Act of 1992 when it provided the DOE
19 with a set of prerequisite activities that are to be
20 completed prior to the initiation of waste management
21 activities at the facility. One of the mandates is
22 compliance with applicable environmental laws and
23 regulations, including the Resource Conservation and
24 Recovery Act and the State of New Mexico's equivalent law of
25 the New Mexico Hazardous Waste Act. The permit application

1 that the NMED is currently reviewing is one of the steps
2 that the DOE has taken to comply with the New Mexico
3 Hazardous Waste Act and with RCRA.

4 The DOE is subject to the New Mexico Hazardous
5 Waste Act and RCRA at the WIPP facility because much of the
6 waste is transuranic mixed waste; that is it is radioactive
7 waste that also contains chemicals that are regulated as
8 hazardous waste under the New Mexico Hazardous Waste Act and
9 the Resource Conservation and Recovery Act. In order to
10 satisfy the requirements of the New Mexico Hazardous Waste
11 Act and RCRA, the DOE submitted the permit application in
12 February of 1991. Following a written request from the
13 Director of the Environmental Improvement Division, NMED's
14 predecessor, the NMED initiated their process of
15 administrative review and issued a notice that the
16 application was administratively complete in July of 1992.

17 During the NMED'S review and in response to
18 their request, the DOE submitted supplemental information in
19 the form of a revision to the application. This version of
20 the application was made available to the public in the
21 spring of this year in numerous reading rooms throughout the
22 state, including the Thomas Brannigan Memorial Library here
23 in Las Cruces. Currently the DOE is responding to requests
24 for additional information and clarification as the NMED
25 progresses through their technical review of the

1 application.

2 The application is limited to the Test Phase
3 which includes tests with transuranic mixed waste designed
4 to provide the DOE and the technical community with
5 information that will be useful in making decisions
6 regarding permanent disposal of transuranic waste in the
7 WIPP facility. This decision is still many years off and
8 will be made after the DOE has demonstrated that the WIPP
9 facility can isolate the waste for thousands of years.

10 Congress has recently required that the U.S.
11 Environmental Protection Agency must review and certify the
12 DOE's demonstrations that the WIPP facility is adequate.
13 Further, the EPA will have to involve the public, including
14 the State of New Mexico in their process.

15 The DOE is interested in what the public has to
16 say concerning the NMED permitting process. The DOE has
17 used the benefit of numerous public meetings in shaping the
18 WIPP program and values the opinions of the public.

19 We and our management and operating contractor,
20 Westinghouse, appreciate the opportunity to hear first-hand
21 the public comments on the permitting process. Thank you.

22 MR. DUKER: Thank you, Patty. Before we proceed
23 to hearing from those of you who wish to address this
24 meeting, I'd like to reiterate just what I said a little
25 earlier for a couple of you who just came in. In order to

1 hear from everyone who wishes to speak, it's very important
2 that comments be pertinent to the WIPP permit application
3 process for the Test Phase, and that all speakers adhere to
4 their allotted times. Thank you very much.

5 The first person who has asked to speak here
6 this evening is Bill Lemery. Is that true?

7 MR. LEMERY: That's right.

8 MR. DUKER: Bill, If you wouldn't mind coming up
9 here. And we're going to have to delay just a second while
10 we get the reporter unjammed here.

11 Okay. If you would state your name and title,
12 if any, and organization for the reporter.

13 MR. LEMERY: All right. My name is Bill
14 Lemery. I'm a private citizen. I'm here to ask a few
15 questions and to get some information so that I can figure a
16 few things out.

17 First, to clarify what you said earlier, at
18 least by implication. This hearing is concerned with the
19 category of substance known as hazardous wastes which are
20 chemical hazards, not with radioactive wastes and
21 radiological hazards. Is that correct, a correct
22 statement?

23 MR. DUKER: You mean not radioactive?

24 MR. LEMERY: The concern here under RCRA is
25 strictly with the chemical hazards and the --

1 MR. GARCIA: Let me address your question.
2 First of all, let me clarify that this is not a hearing.
3 We're just here to kind of exchange ideas and bring things
4 around.

5 I would like to say that your statement is not
6 quite correct. We are concerned with both. The statement
7 we made -- Because we only have regulatory authority for the
8 RCRA component, so we have the authority to regulate the
9 mixed wastes because we have authority over the chemical
10 waste, that is RCRA. But we're concerned over both, and
11 that is that we're looking at control over all the waste as
12 if it were hazardous waste. And we are concerned with both,
13 although we do not have statutory authority to enforce
14 regulations over the radiological component only.

15 MR. LEMERY: Okay. The questions should not be
16 germane to the handling of toxic wastes particularly. Could
17 you tell me what toxic wastes are involved in this, what
18 substances, and approximately what volumes?

19 MS. COLLINS: I have that information here. I
20 would be glad to share it with you. It's in the Part A, and
21 it tells us types and volumes. And I think that either
22 after a break or something I will be glad to go through that
23 with you.

24 MR. LEMERY: Okay.

25 MR. GARCIA: To address that, also, in the Part

1 A they give you general categories of RCRA waste, if you are
2 familiar with the types of waste under RCRA.

3 MR. LEMERY: Only very generally.

4 MR. GARCIA: Okay. What we're looking at is
5 they're assigned a certain category by a code number and as
6 specified in the Part A, that class of waste that we'll be
7 looking at. But I'm not sure about the volumes, but Susan
8 can answer these questions.

9 MR. LEMERY: Okay. Could you contrast the
10 volumes or the types of waste with other facilities in the
11 State of New Mexico?

12 MS. COLLINS: I wouldn't know how to do that.

13 MR. LEMERY: Nobody else is storing the same
14 types of toxic substances, or are they just too broadly
15 categorized to provide a corollary comparison?

16 MR. GARCIA: Not in terms of mixed waste. We're
17 looking at -- Other RCRA permitted facilities in the state
18 are basically that, just the RCRA waste component and not
19 mixed waste.

20 MR. LEMERY: Okay. So the only difference,
21 then, relative to what certain other disposal facilities in
22 the state are dealing with relative to WIPP is the
23 radiological component of the waste; is that correct? There
24 are no unique toxic hazards involved in the materials?

25 MR. GARCIA: There are other RCRA permitted

1 facilities in the state. I would have to agree with you.

2 MR. LEMERY: Okay. I was just a bit curious
3 about that since I deal as a -- I work for a government
4 contractor, so I am familiar with the ways of bureaucracy.

5 And in this permit process, since the permits
6 deal with the handling of toxic waste, it seems to me that
7 questions of radiological waste are really not germane to
8 the process. You can't say if they fail to comply with
9 RCRA, that they can operate because they're radiological.
10 Likewise, if they fully comply with RCRA, would there be any
11 grounds for or ability to deny a permit under the RCRA and
12 related statutes?

13 MR. GARCIA: I really didn't quite get the
14 question.

15 MR. LEMERY: Well, the question is, if the ED is
16 dissatisfied with radiological component and the handling of
17 the radiological aspects of the waste, would that constitute
18 grounds to deny a permit under the RCRA and related statutes
19 that you have referenced?

20 MR. GARCIA: If you are strictly looking at the
21 radiological, no. We're looking at the hazardous wastes.

22 MR. LEMERY: So it must be a question on the
23 hazardous wastes. I want to get that clarified.

24 MR. GARCIA: Yes.

25 MR. LEMERY: So this is -- In reality, although

1 there may be additional public comment on the radiological
2 issues, this is primarily a question of hazardous chemicals
3 and hazardous substances which contain hazardous chemicals;
4 correct?

5 MR. GARCIA: Correct.

6 MR. LEMERY: Okay. Having cleared that up, I
7 have no further questions.

8 I have just one comment that there doesn't seem
9 to be any reference in this CCNS material that was handed
10 out concerning toxic materials. It all references nuclear
11 safety and so on. And doesn't seem germane to the meeting.
12 So why are they bothering to hand it out if it doesn't have
13 anything to do with the process that we are attempting to
14 deal with? And why are they at the same table as the -- I
15 presume you're part of the official party here? It seems
16 inappropriate. I deal with this and I can't drive a
17 government person when I'm a contractor.

18 MS. SISNEROS: My name is Kathleen Sisneros.
19 I'm the Director of the Water and Waste Management Division
20 of the Environment Department. CCNS is seated at that
21 table, quite frankly, because this is a relatively small
22 room and we didn't have a place, you know, for them to set
23 up a separate table.

24 MR. LEMERY: Okay. I can understand that. It's
25 just I've gone through enough hoops to avoid doing that with

1 the federal government. But I wondered. Okay. I have no
2 further comments. I don't see a problem with the
3 application as long as RCRA can be complied with.

4 MR. DUKER: Thank you, Mr. Lemery. Next person
5 who's indicated that they would like to speak at this is
6 Robert De Kinder.

7 MR. DE KINDER: I would like to hear a little
8 bit more about what's going on.

9 MR. DUKER: Well, the two presentations that we
10 made, one by our own department and also by DOE are the two
11 planned portions. The main reason for having some meeting
12 was to allow as much time as possible for individuals who
13 wish to speak about the permit process to either come up
14 here and speak or to ask questions of the people here to the
15 best of our ability that we can answer at this point in
16 time. If you have some questions you would like to ask, you
17 may take the time to do so. And we will try and answer them
18 if we have somebody here who can do it for you.

19 MR. DE KINDER: I guess what triggered me to
20 come here was an article in the newspaper. It seems to me
21 that it's more inflammatory from what I have heard so far.

22 MS. COLLINS: What newspaper is that.

23 MR. DE KINDER: I believe it is Sun News,
24 Saturday, November the 7th. And they gave telephone numbers
25 to call. And since it was Saturday I didn't try calling

1 this number in Santa Fe. I assumed there wouldn't be
2 anybody there.

3 MS. SISNEROS: Actually you would have gotten
4 somebody on Saturday.

5 MR. DE KINDER: I thought wrong. I don't know.
6 I guess I'm just kind of concerned about the -- I guess it's
7 fear that I see generated by a lot of this. And I just
8 think it's due to ignorance more than anything else, because
9 mainly a lot of the stuff that's to be stored in the WIPP
10 site is primarily rubber gloves, old beakers, Kim wipes or
11 Kleenexes that have once touched plutonium. That stuff
12 costs so much that if it was economical to process it, it
13 would be reprocessed. And I don't know. A lot of the other
14 things, I assume that they may store things like radioactive
15 iodine residues or things that are used in medical
16 treatments. Is that planned in there or is that not?

17 MS. COLLINS: It has to be defense related.

18 MR. DE KINDER: It's all defense related. I
19 never understood that.

20 MS. COLLINS: Do you have any questions that we
21 might be able to answer about the regulatory process?

22 MR. DE KINDER: Well, it's primarily dealing
23 with lawyers.

24 MS. COLLINS: Not yet.

25 MR. DE KINDER: Oh, no. I've just scanned your

1 thing here. There have been lawyers involved, and that's
2 part of the problem.

3 MS. COLLINS: Excuse me. I meant the RCRA
4 process that we're in now.

5 MR. DE KINDER: No. You're going around getting
6 comments from people.

7 MS. COLLINS: That's correct. Trying to address
8 concerns or questions about the technical review.

9 MR. DUKER: As I mentioned earlier -- I don't
10 know if you were here for my opening statement. These
11 particular meetings are not mandated by any regulations, but
12 the Secretary of the Environment Department, Judith
13 Espinosa, felt that in the process of doing the technical
14 review and so forth before the permit is actually written,
15 that it would be a service to the communities to be able to
16 go around and have individual citizens, you know, make a
17 presentation, express their concern or ask questions or so
18 forth, prior to the formal hearings that will be held
19 sometime probably next year on the actual permit.

20 All these things are being recorded and we have
21 some written information that's been submitted will be
22 thoroughly read and reviewed and will be taken into
23 consideration when the actual permit -- as the permit
24 develops. And it's additional input from we who live in New
25 Mexico, you know, to be able to attend these and do

1 something like this. It's not something that's actually a
2 requirement. And that's why this is a meeting. It's not a
3 hearing.

4 But we certainly thank you for your comments.
5 Is there anything else that we could answer for you or
6 hopefully --

7 MR. DE KINDER: Well, not really. In a former
8 life when I was in the Navy, I was stationed in
9 Albuquerque. And I'm a physicist by training. And back
10 then I was assigned to Sandia Base, and I set up and trained
11 the first DOE nuclear emergency teams. So I come -- I'm not
12 just -- I know what is involved with doing -- using Geiger
13 counters and this type of stuff. And one of the things that
14 sort of bothers me is that in part of this is the plan like
15 if you have a truck or something to this effect. And in a
16 sense, I would volunteer just to help teach fire fighting
17 crews or highway patrol or whatever is necessary. Because I
18 taught nuclear physics to cooks, truck drivers and bulldozer
19 operators. That was the type of people that we had.

20 MR. DUKER: Well, the transportation issues are
21 not part of this particular process.

22 MR. DE KINDER: This is primarily the storage.

23 MR. DUKER: Yeah, this is really for the Test
24 Phase, not the storage. Just for the test process which is
25 five to seven years in duration. However, I think --

1 MR. DE KINDER: During the Test Phase you do
2 have transportation.

3 MR. DUKER: Right. And I think even though it's
4 not part of this, Mr. Johnson had an excellent comment on
5 that, Mr. Johnson from Westinghouse over here a little bit
6 earlier, if you want to repeat what you mentioned about
7 transportation.

8 MR. JOHNSON: Basically, the transportation has
9 been very well characterized by the Department of Energy
10 with sufficient tests on the containment vessel through
11 fires, drop test, puncture tests, and much more severe
12 testing than is actually required by the regulations, and
13 there was not one link. The device has double seals in it
14 and not even the inner seal leaks, so much less the outer
15 seal.

16 The trucks, the drivers are the best trained
17 drivers in the United States. They have to go through very
18 intense training exercise and they cannot have any moving
19 violations on their record once they start driving through
20 true pack shipments; if they do they're fired. Any moving
21 violation, they get fired.

22 There is a tracking system that tracks the
23 vehicle every 15 minutes identified within about 200 feet of
24 the location anyplace in the United States. It's a system
25 that's satellite based. The New Mexico State Police has a

1 receiver and they get these indications. There is a
2 seven-day notification before shipment comes into New Mexico
3 and a 30-minute notification before it hits the border. I
4 don't know if there's anything else I can say.

5 MR. DE KINDER: I'm sorry i didn't hear it
6 sooner. I was driving down the street looking for this
7 place.

8 MR. DUKER: Okay. Well, thank you again for
9 your comments, sir. I don't believe we have anybody else at
10 this point who's signed up to speak.

11 If any of you have kind of change your mind and
12 would like to, you're more than welcome to do so and sign up
13 over there and we will let you come up here and mention
14 anything, if you have anything that you would like to ask or
15 if you have any comments about anything.

16 Again, Susan Collins here has mentioned that if
17 any of you would like to look at a couple of these things
18 here that are in the application process -- in fact, we
19 could take a break right now, if a couple of you would like
20 to do that.

21 We don't have a large crowd here tonight. So
22 why don't we do that. We will take kind of an unplanned
23 little break here. And if a couple of you would like to do
24 this, fine. We will get back together here in about ten
25 minutes. And if there is anybody else that shows up or

1 anybody out there currently, if you would like to speak, we
2 would be more than happy to let you do so.

3 (WHEREUPON, proceedings recessed at 8:15 p.m.)
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REPORTER'S CERTIFICATE

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3 I, BETTY J. LANPHERE, RPR-CP-CSR, a Court Reporter

4 and Notary Public, with offices in Santa Fe, New Mexico, DO

5 HEREBY CERTIFY that the foregoing transcript is a complete

6 and accurate record of said proceedings as the same were

7 recorded by me stenographically and were reduced through

8 computer-aided transcription to print by me or under my

9 supervision.

10 DATED at Santa Fe, New Mexico, this

11 19th day of November, 1992.

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15 Court Reporter

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