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 16, 1992

BE IT REMEMBERED, that on the 16th 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 Apodaca Hall, P.E.R.A. Building, Santa Fe, New
Mexico, commencing at the hour of 9:00 a.m.
APPEARANCES

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 Darabarais, 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
MR. DUKER: We're going to go ahead and get started. I'd like to bid you good morning and welcome you to the New Mexico Environment Department's Public Information Meeting, regarding the WIPP permit application procedure for the test phase.

We're pleased to see all of you who took the time and made the effort to come here today. While the New Mexico Hazardous Waste Regulations do not require these meetings, it is the desire of the Secretary of the Environment Department, Judith Espinosa, to have these informational meetings to solicit input from the citizens of New Mexico early in this project. It needs to be emphasized that this permit application being considered is only for the test phase and does not include a request for permanent disposal of mixed waste at the WIPP site.

The requirements and the details of this permit have not been formulated at this point. NMED is currently in the process of a technical review of this application. When a draft of the permit is completed or notice to deny, there will be formal hearings. The reason for these meetings is to inform you about the application, what it is that the NMED addresses, and what we do not address. And to also include your input into the process.
In order to provide the maximum amount of time for all interested persons to express their thoughts, we've instituted a basic procedure for the conduct of these meetings. If you wish to comment or make a presentation, please sign up for available time at the table outside the door. This will be on a first come, first serve basis. Each speaker who signs up will have 10 minutes. Unscheduled comments or questions from the audience at large cannot be recognized due to this time frame.

If you wish to comment, please sign up for a time to speak. Please stay within the allotted time so as to not to take away from others who may follow you. All oral presentation will be officially recorded and will be studied thoroughly. If you wish to submit any written material, please do so at the sign up table. This will be logged into a register or you may mail material to the New Mexico Environment Department as long as it reaches us no later than November 25th.

All written input will be studied thoroughly. Please register your name, title, organization and mailing address if you wish to receive an executive summary or a reply to your input. You will receive a reply within 30 days.

These meetings are specifically for the consideration of the WIPP permit application for the test.
phase. Please comment on this issue. Comments or materials not related to the WIPP permit application for the test phase will be accepted and recorded, however, this permit application for the test phase is very specific and what is involved and what is not.

There may be some comments or questions which cannot be answered at this time simply because we're still in the early stage of the process.

As these meetings run from 9:00 a.m. until 9:00 p.m. tonight, there will be a need to take a number of breaks during the day. There will be a 40-minute break for lunch from 11:20 to 12:00, 10-minute breaks at 2:00 and 3:30, a one-hour recess for dinner from 5:00 to 6:00, and a ten-minute break again at 7:20. The meeting is scheduled to end at 9:00 p.m.

For your information, the regulations in this auditorium are that there is no smoking, eating or drinking allowed in this auditorium. If you need to, restrooms are located outside, women's to the left, men's to the right. Pay telephones are up on the ground floor.

The New Mexico Environment Department wants to hear from as many citizens as possible. In order to accomplish this and be fair to everyone who wishes to comment, it is important to stick to the particular issue at hand and stay within the 10 minutes allotted to each
speaker. Demonstrations or other disruptive behavior are prohibited in this auditorium. You’re asked to refrain from heckling or booing. These will only serve to cause delays, prevent others among you from being heard and even cause possible termination of the meeting.

At this time I would like to introduce the participants in this meeting. From the New Mexico Environment Department we have Kathleen Sisneros, who is the Director of the Water Waste Management Division sitting over here in the back.

Next to me is Benito Garcia who is the Chief of the Hazardous and Radioactive Materials Bureau with the Department.

Next to him is Susan Collins who is the WIPP Permit Coordinator for our Department. Next is Ginny Nelson from the Office of General Counsel for the Department.

From the A. T. Kearney Company over here on the extreme left of me is John Darabaris. On the right here is Connie Walker, and in the back in the light blue jacket is June Drieth.

From the U.S. Department of Energy over here we have Patty Baratti-Sallani. And with her are two gentlemen from Westinghouse, Larry Ledford and Jack Johnson.

I will be the moderator for this. I’m with the New Mexico Environment Department and my name is Tom Duker.
And over here with the New Mexico Environment Department is
Bob Lopez.

We will now have a brief presentation by Susan
Collins, the WIPP Program Coordinator. As I mentioned,
Susan is with the New Mexico Environment Department’s
Hazardous and Radioactive Materials Bureau, and her
presentation will be repeated again at 12:00 noon and again
this evening at 6:00 p.m.

MS. COLLINS: Thank you very much, Tom. In the
time that I have, I would like to give you a brief view of
the permitting process and specifically address the status
of the WIPP, Part B application, both the general overview
and very specific view of the permitting process.

To do this, I’m going to address four key
issues. Why is the State of New Mexico Reviewing the WIPP
application, what is the test phase, what’s in this
particular application, and what’s the status of the review/
what’s been done, what we are doing right now, and review of
the regulatory process that will give us some view of what
is to come in the future.

First, question I would like to address, why are
we reviewing the WIPP application submitted by DOE
Westinghouse. To obtain the legal right to treat, store
and/or dispose of regulated hazardous waste, a facility must
formally apply for a Resource Conservation and Recovery Act

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permit, commonly known as a RCRA Part B permit. DOE Westinghouse has submitted a RCRA Part B permit application for the WIPP test phase.

During the test phase, DOE Westinghouse wants to conduct tests using RCRA hazardous waste that is mixed with radioactive waste. Hence the term mixed waste. This requires a RCRA permit. I would like to point out that state authority is over the hazardous component of the mixed waste. Because the radioactive component can’t be separated from the RCRA hazardous waste, the New Mexico Environment Department regulates it all.

An example of the mixed waste might be a glass beaker that’s contaminated with both a radioactive component and a radioactive waste.

Second issue I would like to address, what is the proposed test phase. The test phase is a period of time during which various tests will be performed to evaluate the suitability of WIPP for long term disposal. DOE Westinghouse has developed test phase plans describing the activities and tests that will be performed during this time. New Mexico Environment Department has examined elements of the test plan that apply to the Part B application. Specifically those elements insuring that DOE Westinghouse will safely manage the waste to be placed at WIPP.
We don't examine all the test phase plans but consider those portions of the plan for which a permit is required and only those portions of the test that are governed by RCRA. That is, we don't regulate specific tests or experiments per se, but rather we regulate the safe management of hazardous waste during the test. If a permit is issued, DOE Westinghouse cannot implement a change in the test plan that affects the RCRA permit without notifying the New Mexico Environment Department.

If DOE Westinghouse were to do this to begin a new test, they would be in violation of the permit. Should DOE Westinghouse want to implement tests not technically reviewed in the process we're in now, for instance alcove tests, the appropriate regulatory mechanism would be to request a permit modification. This would only occur if a final permit has been approved by the Secretary. This kind of permitting action requires a complete administrative and technical review, an opportunity for public involvement during a public comment period and hearings.

So to summarize, the test phase is a period of time during which DOE Westinghouse wants to perform various experiments or tests at the WIPP site. The test plan describes various experiments DOE Westinghouse wants to perform during this time. New Mexico Environment Department regulates the safe management of hazardous waste, not the
test themselves. If there are tests in the new test plan currently being developed by DOE that involve RCRA hazardous waste and that we have not technically reviewed in this application process, DOE Westinghouse will not be allowed to implement them. They will be in violation of their permit should they proceed with any new tests.

And finally, the only way to proceed with any new tests contained in the new test plan would be through a permit modification.

Now we know why New Mexico Environment Department is reviewing the application. We know what's in the test phase in relationship of the test plan to it. Next I would like to tell you about the application, what's not reviewed in the application and then finally what's excluded from shipment to the WIPP.

This is what we don't review. The Department during its technical review does not review activities outside the WIPP boundary such as transportation, transportation routes, emergency response during transportation, TRUPAC design.

In other words, we review what we have regulatory authority for. Questions have come up in the last two public meetings on what waste is excluded from shipment to WIPP. So I would like to just address that.

Numerous criteria must be met prior to shipment from either...
of the two generator sites. Restrictions from shipment include but are not limited to the following: There are no explosives or compressed gases. No ignitable corrosive or reactive wastes. There are no free liquids that can be shipped. This means that partially solidified sludges, for example, can’t be shipped to WIPP. Only solidified sludges or something that’s solid.

Now, for a closer look at the application, once it’s formatted and what’s in it. For those of you in the audience who have not seen the Part B application, this is volume 1 of seven volumes. The rest of the six volumes are mostly appendices. This is the nuts and bolts of the application that we reviewed. This is broken into chapters. The first chapter is the Part A. It consists of several standardized forms. This provides a general facility information. What’s the name, EPA I.D. Number, location, who the owner/operator is. Tells us the type of hazardous waste activities to be conducted there, what types of wastes will be handled.

Chapter B contains a general description of the facility which expands the information provided in the Part A. Typically Chapter B gives a detailed description of what business is conducted at the site. It gives a physical portrait, what does it look like. There is a brief discussion of the RCRA units or as we call them, hazardous
waste management units.

In this chapter, for example, we want to know if the facility is in the hundred year flood plane. We would like to see the topographic maps, we need to know the boundaries of the facility.

Chapter C. This is the third chapter. Chapter C of the RCRA permit application addresses analysis and characterization of the hazardous waste which will be handled during the WIPP test phase. This chapter must include all the information needed to meet the regulatory requirements to properly store and manage the waste in WIPP during the test phase. Specifically we look at what are the wastes, why are they hazardous, what are the lab tests that detail the chemical and physical analysis of the representative waste samples.

In summary we want to know in Chapter C the hazardous waste destined for WIPP has been properly characterized so that it can be properly managed during the test phase.

Chapter D. This chapter really provides the nuts and bolts of the unit design, what the units are like, and how the waste will be managed in the RCRA units. Chapter D also provides a discussion of the processes that go on with the handling, the storing of the waste in the three RCRA units.
Those units are the waste handling building and the two units in the subsurface, the two test rooms. This is very much an engineering section describing standard engineering practices that DOE Westinghouse must follow to insure the safe management of hazardous waste, gives a very detailed physical description of each unit, what the unit is made of, is it steel, is it concrete, what are the dimensions. This clearly describes what does it look like. And then this chapter gives the description of the management practices. How do they manage the wastes in the particular units.

Chapter E, protection of groundwater. Chapter E of the Part B permit application provides a complete description of measures to be taken to protect groundwater contamination. This section was extensively reviewed by EPA’s part of the No Migration determination.

Chapter F. This is procedures to prevent hazards. This provides a discussion of the procedures to prevent hazards associated with each hazardous waste management unit. It provides a description of security procedures and equipment at the facility and also outlines inspection procedures and schedules.

Chapter G is the contingency plan. This outlines what the facility will do to respond to emergencies such as fire explosions, or any unplanned releases of
hazardous waste at the facility. Note the difference between Chapter F and Chapter G.

The first, Chapter F, Procedures to Prevent Hazards, must address how to prevent a hazard from occurring, but the contingency plan which is a RCRA requirement, requires that the facility address what happens when an unplanned event occurs. Specifically, it tells us who the emergency coordinators are, gives evacuation plans and what will trigger an emergency response. Also, it describes the reporting requirements to local, state and federal agencies, and finally it describes how a similar emergency would be prevented.

The training chapter, Chapter H, describes the training people received to operate and maintain the facility. This also includes an outline of training programs, job titles and then descriptions of those jobs, gives training program content and then emergency response training.

Closure chapter is Chapter I. This describes how each hazardous waste management unit will be closed at the end of its operational life and how final closure will be conducted. This plan thus describes how the facility will remove any hazardous waste, provides an outline for all closure activities as well as providing a schedule for closure.
The State of New Mexico will require WIPP to clean close. This means that all waste would be removed from the subsurface as well as from the waste handling building.

Now, we know why we're reviewing the application, the legal responsibility pertains to mixed waste, we know basically what is in the application, how does the State determine if the application is complete? We begin with the administrative review to see if all the pieces of the application are there. Once the facility has submitted an application, our first step is to determine if all the required information has been submitted.

If you want to visualize a hundred piece puzzle as a Part B application and the New Mexico Environment Department wanted to determine it was administratively complete, in other words is the puzzle administratively complete, we would have to see if they were in fact a hundred puzzle pieces. But we would not consider if the pieces were bent or broken or if the puzzle was complete or finally if the puzzle would even go together. We would just want to know if all the puzzle pieces were there.

For the Part B application, we would want to know if all the chapters were there. For example, is the contingency plan there, is closure there, are the appropriate schedules there, are the appropriate job...
descriptions there. But we don’t evaluate it on technical merit. We just want to know if it’s all there. The administrative requirements found in the regulations are what guide us in this particular review. The Part B for WIPP has been reviewed by NMED staff and determined to be administratively complete.

This does not mean the application is complete and WIPP has a permit, but rather it means that all the required pieces of the application as defined by the regulations are present. When administrative review is complete, an application is deemed complete, we move to the technical review, the phase that we’re in now. This is an in-depth evaluation of the permit application. The purpose of the evaluation is to determine if the application satisfies the technical requirements of RCRA. During the interactive period of the technical review we rely entirely on these regulations for guidance to know what to ask and conversely to know what we can’t ask.

This again is an interactive period between New Mexico Environment Department and the applicant.

Deficiencies or weaknesses identified during the technical review that require submission of additional materials or modification to the existing sections of the Part B are requested either informally, say in working group meetings, or in a more formal response the Notice of Deficiency. This

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is our more formal way of communicating with an applicant.

Again, the purpose of the technical review is to determine if the application satisfies the technical requirements of RCRA. We do this interactively. It's ongoing. We have weekly meetings with the applicant. We ask for data, modifications to the application, and additional information. This is where we are now in the permitting process for this application. What is unique to this process are the meetings we're now engaged in.

At the direction of Secretary Espinosa, we have scheduled these public meetings to involve the public in the permitting process before the State writes either a draft permit or a Notice of Intent To Deny.

This is your opportunity to be involved, to give us your technical comments on the applications or your concerns in general. What happens next after these meetings? We finish the technical review. DOE will receive informal communication, the Notice of Deficiency, any comments noted during these public comment meetings will be incorporated into our formal communication of Notice of Deficiency. DOE Westinghouse will respond with another revised Part B application. We review that revised application. At that point a tentative decision is made to write either the draft permit or the Notice of Intent to Deny. Notice that it's at the end of the technical review.
that decision is made.

If the decision is made to proceed with the draft permit, we write the draft permit. We go to public comment. We have hearings and then NMED will respond to those comments made during the public hearings and then a final permit will be submitted to the Secretary for her decision.

I hope this presentation is helpful in clarifying issues and questions about permitting in general and specifically about the WIPP Part B application in the review process that we're currently in.

MR. DUKER: Thank you, Susan. At this time we would like to have Patty Baratti-Sallani from the U.S. Department of Energy give a brief presentation before we proceed to the comments from those of you who have signed up to address the meeting.

MS. BARATTI-SALLANI: Thank you, Tom.

The WIPP project was authorized by the Congress of the United States as a result of Public Law 96-164, which was the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980. Congress intends for the WIPP facility to demonstrate the safe disposal of transuranic waste that results from various defense activities in this country. Recently the Congress restated its intent in the WIPP Land Withdrawal Act of
1992. When it provided the DOE with a set of prerequisite activities that are to be completed prior to the initiation of waste management activities at the facility. One of the mandates is compliance with the applicable environmental laws and regulations including the Resource Conservation and Recovery Act and the State of New Mexico's equivalent law, the New Mexico Hazardous Waste Act. The permit application that the NMED is currently reviewing is one of the steps that the DOE has taken to comply with the New Mexico Hazardous Waste Act and with RCRA.

The DOE is subject to the New Mexico Hazardous Waste Act and RCRA at the WIPP facility because of the waste is transuranic mixed waste. That is it is radioactive waste that also contains chemicals that are regulated as hazardous waste under the New Mexico Hazardous Waste Act and RCRA.

In order to satisfy the requirements of the New Mexico Hazardous Waste Act and RCRA, the DOE submitted the permit application in February of 1991, following a written request from the Director of the Environmental Improvement Division, the NMED's predecessor.

The NMED initiated their process of administrative review and issued a notice that the application was administratively complete in July of 1992. During the NMED's review and in response to their request, the DOE submitted supplemental information in the form of a
revision to the application. This version of the
application was made available to the public in the spring
of this year in numerous reading rooms throughout the state
including the New Mexico State Library here in Santa Fe.

Currently the DOE is responding to requests for
additional information and clarification as the NMED
progresses through their technical review of our
application. The application is limited to the test phase
which includes tests with transuranic mixed waste designed
to provide the DOE and the technical community with
information that will be useful in making decisions
regarding permanent disposal of transuranic waste at the
WIPP facility. This decision is still many years off and
will be made after the DOE has demonstrated that the WIPP
facility can isolate the waste for thousands of years.

Congress has recently required that the U.S.
Environmental Protection Agency must review and certify the
DOE’s demonstration of the WIPP facilities adequacy.
Further the EPA will involve the public, including the State
of New Mexico, in their review process.

The DOE is very interested in what the public
has to say regarding the NMED permitting process. The DOE
has used the benefits of numerous public meetings in shaping
the WIPP program and values the opinion of the public. We
in our management and operating contractor, Westinghouse,
appreciate this opportunity to hear firsthand the public's comments on the permitting process. Thank you.

MR. DUKER: Thank you. I did want to make mention of the fact that if anybody here needs a translation in Spanish or if they wish to make a presentation in Spanish, would you please identify your need to our translator Mr. Sivas right down here in this box.

We will shortly begin hearing from those who have signed up to address this meeting. Please direct your comments to the issues at hand, to the WIPP permit application for the test phase, and please stay within the 10-minute time frames so that we can give every courtesy to all the speakers who wish to present today.

I would like to hear from the first person who signed up this morning. The chair would like to recognize Linda Lehman of L. Lehman & Associates. Would you please come up here and state your name and organization for our reporter.

MS. LEHMAN: My name is Linda Lehman, and I am President of L. Lehman & Associates from Minneapolis. We are specialists in performance assessment of nuclear waste repository and hydrogeology. I have represented 11 states in the past nuclear technical issues and also regulatory issues. I previously was employed with the U.S. Nuclear Regulatory Commission in Performance Assessment Section.
I have in the past testified on performance assessment of WIPP for the New Mexico Attorney General's Office, however I want to stress that I am not here today on their behalf. I happened to be driving through the area yesterday and heard the radio announcement so I thought I would come and offer a few technical comments.

Last week I attended an intraval meeting which is an international group established to develop the validation for New Mexico Nuclear Waste Repository models for hydrology and performance assessment. At that meeting I was fortunate to hear the latest results of the brine inflow tests from WIPP. It was a little disturbing to hear the results because they did not go as planned. They did not essentially predict the type of inflows they would get. While these inflows are still small, they have not followed the predicted models.

What has happened is that there is a very, appears to be a very strong coupling between the collapse of the rooms at WIPP and the release of brine, so therefore I would urge the Department to take a careful look at the previous performance assessments and previous assessments of ground water flow at WIPP.

I would urge them in their permit to insist that some model be developed between this caving in of the rooms and the release of brine, and perhaps that can be
established during the test.

The next issue I would like to address is the gas generation rates. While I believe that these rates are extremely important, there is another process that I don’t believe that’s been addressed yet and this is a process which we call disparaging. Actually it’s a technique that has been used in hazardous waste cleanup where air or a gas such as a landfill gas, maybe like methane, is pushed through hazardous waste deposits.

This gas then picks up the other volatile organics much quicker than just having groundwater flow through movement taken out because the volatiles are much more volatile to an air phase or gas phase than they are to the water phase. I would like to see the Department take a look at the potential for this process in the tests at WIPP. It may not be a large factor in the BIN tests, however when you have large amounts of organics stored at WIPP, I think the potential for this gas phase moving through this at some point could actually increase the concentrations well above what has been predicted in the past. Again, I don’t know if this is operating for sure but it’s something that we should at least look into.

The last point I have is with regard to the monitoring for volatile organics. It’s my understanding, and please correct me if I’m wrong, that the Department is
not going to be monitoring only for organics, that they are simply going to be looking at the release of radioactivity. It's my opinion that you can't predict that all the drums or all the barrels will contain volatile. I think it's quite possible that you could have a certain percentage of the barrels contain non-volatiles radioactivity, so in that case if there was a release from those barrels, it may not be picked up simply monitoring the radioactivity.

So that is the bulk of my comments and thank you for the opportunity to discuss them with you.

MR. DUKER: Thank you very much. At this time, and I would like to ask Richard Deyo, we have a little bit of a scheduling problem. Linda Kassen from the Environmental Defense Fund has a plane to catch. Would you mind switching with her on that one? Thank you very much, sir. So at this time I would like to ask Melinda Kassen if she would please come up here.

MS. KASSEN: My name is Melinda Kassen, K-A-S-S-E-N. I'm a senior attorney with the Environmental Defense Fund and the EDF's Rocky Mountain Office which is located in Boulder, Colorado. Boulder is about 10 miles from one of your major generator sites for the test phase, and that's certainly one of the reasons that I'm here today.

I think it's important to recognize and I
believe that it puts the State in a relatively unusual position in terms of this kind of permitting that you are permitting a national facility, even though you are a State agency. I think that presents certain problems and I believe that one of the things that the State needs to do with regard to the permit applicant is force the permit applicant to make available the permit application in those states where there is also interest in this facility.

As you, Susan, know, I asked that DOE make available a permit application at the Rocky Flats plant in the public reading rooms up there. That has not been done yet. I was able to secure a copy of the permit from an individual at DOE who lent me his personal copy off site. However, there are other people in Colorado and in Idaho who are interested in this permitting process, and I believe that while I recognize the State doesn't have authority outside, you can certainly demand the applicant make the permit application available in those areas where there are people who would be interested, and I would ask that you do that. Certainly in a timely fashion the public comment is only through next Wednesday on this phase, however, as soon as it gets into the reading rooms, all you have to say is the sooner the better and you would perhaps entertain later submitted comments from people outside who have not had an opportunity to review this yet.
The second thing I want to talk about, I'm a lawyer and not a technical person and so this is sort of my legal technical comment, which is for your benefit I think as much as for everybody else's. I have reviewed the first volume and I will try to submit written comments on some of the more mundane issues. They're not mundane but they may be less interesting in terms of an oral presentation. The thing that I would like to talk about from a legal standpoint, and this goes to the scope of what the State needs to review, it's to talk a little bit about functional equivalency. As those people who are lawyers in the room may recognize, the RCRA permitting process is considered as a result of at least one court decision, to be the functional equivalent of the NEPA process, the National Environmental Policy Act process which usually results in an environmental impact statement for a major federal action. And the reason that the courts have concluded that the RCRA permitting process is the functional equivalent of NEPA is because the RCRA permitting process does provide an ample opportunity for public comment. And I certainly appreciate and EDF appreciates that the State of New Mexico has taken this seriously and gone beyond what is necessary and provided this opportunity for a public meeting.

But the difference between NEPA requirements and
RCRA is that the heart of NEPA is an alternatives analysis and demonstration of need. Ordinarily there is no requirement in a RCRA permitting process to look at alternatives and ordinarily the reviewing agency does not ask for any particular demonstration of need. I think that in this case it is appropriate and necessary for the Department to look at the need for the test phase. In your general responsibilities to safeguard the human health and environment in the State of New Mexico and to keep the state from experiencing undue hazard or unnecessary hazard, I believe that it is imperative that this permit application make a demonstration of need to do these tests at WIPP.

If one reads through the WIPP application, I think at least one of the conclusions that you have to take away is that this test phase is only successful at WIPP if there is no interface between the waste and the WIPP environment. You're talking about putting barrels of Rocky Flats waste into bins, into boxes, putting them on pallets down underground, but there is not going to be any interface, if you read this application, between the WIPP environment and what's happening inside the bins other than the little wires that are monitoring. And in fact the Department has to go to great lengths to insure that there is no interface which is, I think the reason that at least one place in the permit application they talk not only about
roof bolting but about putting shields or what I said in the
workshop yesterday, sneeze guards, over the pallets so that
you don’t end up with little chunks of roof falling out and
hitting and possibly damaging the waste boxes or the tops
which have all of the monitoring equipment coming out.

DOE is going to extraordinary lengths to insure
that there is no interaction between what’s inside the boxes
and the WIPP environment. Under those circumstances, it
seems appropriate for the State to ask why are we going to
spend all of this money, taxpayer dollars, to transport
waste thousands of miles, 1500 miles from Idaho, 800 miles
from Rocky Flats, and subject people along the route to the
increased hazard, albeit small we hope, from transportation
accidents, but to subject the State of New Mexico to having
waste additional plutonium contaminated carbon tetrachloride
contaminated waste in the State when it’s not to say that
DOE doesn’t have to do tests.

The question I think for the State or one of the
conclusions that the State needs to reach before they can
grant a permit is that it is necessary to do these tests at
WIPP underground and cause the expense and the additional
hazard to the State of New Mexico that doing those tests
here at the facility entails. If you don’t do that, then
there is not functional equivalency to the NEPA requirement
that an applicant demonstrates need and show that, I’m not
asking for an alternatives analysis, although I think
there's an argument that could be made, that that would need
to be done. What I believe is necessary is that there be a
demonstration of need to do these tests that they're talking
about doing at this facility in the manner that they're
talking about doing it, given that the way these tests are
successful, the only way that these tests are successful is
if there's no relationship between the bins and the
environment at the facility outside. I was given 20
minutes.

MR. DUKER: Yes, I realize you made arrangements
ahead of time to represent an organization.

MS. KASSEN: And I suppose for the record I
haven't testified for the Environmental Defense Fund to the
State of New Mexico before the Environmental Defense Fund is
a national nonprofit organization with 200,000 members
nationwide, and we have traditionally been involved in a
variety of proceedings having to do with safe management,
storage treatment and transport of nuclear materials,
including transuranic and transuranic mixed waste. NEPA has
at least a five year history of involvement in WIPP,
specific affairs including substantial testimony that was
given at the time of the supplemental environmental impact
statement, and ongoing litigation regarding the necessity
for a RCRA Part B permit prior to the time that the facility
opened for the DOE participants. Obviously our message is
that we think we should have this permit in place prior to
the time that you begin in placement of waste.

   Certainly if one reads the Part A, it goes far
beyond the limited test phase application that one sees in
Part B. The Part A not only talks about an operational
facility with over 5,000 cubic yards of waste coming
annually to WIPP but also, and I'm not even sure I know what
this stuff is, there is a request for a permit not only for
the miscellaneous unit which is the WIPP underground facility
itself, but also for an incinerator and for a tank. And it
is for that reason, in addition to all of the other reasons,
and in addition to making the citizens of the State of New
Mexico and elsewhere in this country believe that DOE is in
fact interested in compliance, real compliance with
environmental laws, that we believe you should have your
Part B in place prior to the time that you begin to replace
any kind of waste even for a test if it is determined to be
necessary at WIPP.

   There is no more excuse that would delay the
process. You have got to get EPA Approval for a variety of
other things prior to the time that you can in place waste
and we would hope that the Department has a change of heart
on this matter and decides that it will get its permits for
the first time in history before it begins to operate a
facility with highly toxic and contaminated materials.

The, just to run through a couple of the more technical issues that I will also try to have written comment on, and I'm going to start from the back of the permit and work forward on the theory that you may hear less about these final chapters for people who have not had time to read the entire permit. One of the things that jumps out in Chapter I is that the Department is desperately trying not to identify the facility to which waste would be shipped if in fact New Mexico requires clean clothes. This chapter also entirely ignores the possibility that retrieval is going to be difficult.

It is written as if there is going to be no problem in pulling out the barrels inside the bins inside the boxes on the pallets under the sneeze guard. This is I believe not, it may happen that it's not difficult and yet there are many geologists and other people who believe that it is going to be substantially more difficult than DOE has indicated to retrieve this material. If not in Chapter I, then in a contingency plan.

DOE needs to make a more reasonable assessment of the difficulties and detention retrieval and the other thing is from a political reality check standpoint, it is critical that the Department, that the State of New Mexico make the Department identify a facility where the waste is
going to go if they require clean clothes now.

If you do not do that, what you are face five
years from now, and that of course is how much time DOE is
asking for in this permit, a time limit that I suggest you
hold them to, that's what they ask for, that's what they
should get, is five years unless and until you get a
modification.

The five years from now when you ask for clean
clothes, if you ask for clean clothes, DOE will not identify
the facility and they will immediately be turning around and
asking for more time. Identifying a facility, getting it
ready to accept waste, dealing with the citizens who are
going to be at the State boundary protesting the return of
waste, or in the case of Idaho perhaps, the Governor has had
happened before, is a reality that you have leverage to
force DOE to address now.

You will not have that leverage at the end of
the test phase if you require clean close because what are
you going to get an injunction? They're already going to
have stopped bringing waste to the facility. There is not,
I don't believe, an effective enforcement mechanism at the
end of the test phase and you need to force DOE to do it
now. They obviously don't want to do it. All it takes is a
very easy read of Chapter I to see that DOE is desperately
trying not to have to identify a facility now.
The training chapter appears to be very expansive until at least one thing comes through and that is that it appears everybody is going to be trained once and that for the purpose of particularly insuring that the folks who are working at WIPP are prepared to deal with an emergency or a hazard four years into the test phase or longer, there needs to be ongoing training, not just training within the first six months of when people get to the facility, and I will relate a little anecdote about this from an experience at Rocky Flats from a year and a half ago when there was, Rocky Flats has been shut down since about the beginning of 1990. They were beginning to bring, they wanted to bring one of the buildings back on line. They had spent the last year training people on emergency response and what to do in the event of an emergency so they did a dry run of a file in building 559. And they had to stop the dry run because it became an incredible event after 25 minutes because the first thing that was supposed to happen was that someone was supposed to go to the fuse box and turn off the switch. And the person who was supposed to do that couldn’t find the blueprint that would show him where the switch was, so that after 25 minutes not having turned off that switch it was essentially you were talking about a fire that was throughout the building. In the course of, and it was no longer a credible event and it was no longer
worth continuing with the exercise.

In the course of training, you would see in the plan where the blueprint was supposed to be, but it wasn’t there and/or it had been moved or they had made a decision to change something in the intervening six months between when the training happened and when the test took place. It is critical, this event I believe shows, not only to require ongoing training but also for you not to approve an emergency response plan based on the paperwork.

You have got to have them go through dry runs. If they don’t, it could look like a great plan but without seeing that it actually works with the people who are there at the time, it’s not worth anything. And again I understand that is going beyond what is normally required. However, you all are in perhaps a unique position in terms of the responsibility that DOE is asking you to undertake to permit a facility with national implications and of national importance.

I don’t envy you the job and I’m sure I will be back here sometime this spring once we see a draft permit or a draft, or a notice of Intent to Deny. And the Environmental Defense Fund is certainly willing to help in any way that we can to be made available to discuss these or any of the other matters that are brought up in comments today or in written submissions. Thank you.
MR. DUKER: Thank you very much. At this time the chair would like to recognize Richard Deyo, and I would also like to thank him for switching with the previous speaker. Thank you, sir.

MR. DEYO: Richard Deyo. I would like to say I don’t envy your job either. And I would like to say first of all that I find it very difficult for me to consider the applicant and several of the applicant’s predecessors and several of their contractors. And the history of how, we have heard stuff about national stuff already but just internationally stuff that they’ve been doing and engaging in for 50 years or whatever it has been. And I would like to be able to digress a little bit to a little bit of history that I don’t see in the history books about that sort of stuff, and this stuff is supposed to be around for longer than the history books even.

That before they set off the first nuclear bomb 50 odd years ago, a bunch of the scientists were talking about burning the world’s atmosphere up and their own words were they said they would be worse than, they were giving Aids to Hitler’s schemes for total conquest. And I would add that that they would made even the war on the Pacific go on longer because they didn’t want to be known as being in charge of the world war scandal, you know, or being called who are or what they really are.
And they sat back and they said if they
calculate the chances of incinerating the world's atmosphere
to be three in a million but they're not going to do that.
That's themselves, their family, their loved ones. That's
Hitler even. That's their Einstein's and their geniuses and
there was no law in it. I mean Robert Oppenheimer was said
to have told Mr. Truman, Mr. Truman you're just a
politician. We're the ones who have the say as to where,
who, and you know, I can go on quoting some of their
testimony. And there were some sheep in Utah that some
farmers took them to court over there, they lost all these
sheep, and a bunch of a A.C. guys got up in the early 50's
and testified, you know, there was no harm because of these
things, and a judge, you know, somebody followed Freedom of
Information Act requested some years later after they had
passed the Freedom of Information Act. There wasn't any
such thing back then. Laws have changed. The laws can
always change I suppose. Regulations can always change, I
suppose, but anyway these Judge's back then asked them to
provide all the information. And after all, after 20 or 30
odd years, somebody came out and fond some information that
was even written back then that they hadn't provided to the
judge. The guy had told them it was a classified secret.
It's none of your business, Mr. Judge.

You know, and Neils Bore, he was one of the
people who worked on the bomb. He would get up and testify about how his people are above the law, you know. And you know they have a very bad history, I think, and I am very leery about a lot of their statements, you know, today. I don't think even they know what they're making as a statement, you know. They, I keep thinking of some of the folks that I personally have met in the applicant you know, like up at Los Alamos.

I met a fellow who introduced himself to me as the only moral person who worked in Los Alamos. He told me he was working there for money and that he had personally lied. He considered that a perfectly moral thing to do to lie. This was when they were talking about making that incinerator up there. He was only there for the money is what he told me. He would love to tell everybody else up there to go rest in hell. Those were his own words. They're all just members of the rat race and scum is how he called them.

You know, it's very hard for me. It's like I said, I feel like they've opened some sort of Pandora's Box and I can go on talking a long time about some of the things they have done, but I would like to mention at least a few technical things that I have studied and their so-called expertise. You know, they talk about these machines as being personal and friendly, you know, and they've got all
these computers now that make all these calculations.

You know, I don't know if you have noticed this
or not but they have got, there have been some robots that
have killed people already you know, like in Detroit and
Japan and whatnot, and maybe this doesn't have an awful lot
to do with it, but the nuclear industry is very much in the
forefront they say of all of the Silicon Valley kind of
stuff that goes on. And I read this in Science Magazine
sometime ago. You know, they're trying to get computers to
think and act like human beings and they talk about treating
a friendly computer virus to infect all the computers all
over the world. You know, and they will probably get them
to think and act like humans, that humans bend rules to the
point of breaking the law.

You know, and I could go on quoting you know
about how the bulletin of atomic science, for example, get
up and say we scientists, you know, we can say we'll murder
you and saying that stuff doesn't mean anything to us. I
think it's very sad and it seems to me that I don't know if
you even have the authority or perhaps if you don't perhaps
you can point me to somebody who does, but I think as any
requirement I think that we should not be making anymore of
this waste to begin with. You know, at all.

I mean the stuff at hand they say that's already
been accumulated could be enough to put all of Manhattan

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Island like a foot or something deep or something like that. I used to know all of those facts and figures. I still know a lot of them but they all get kind of messed up in here somewhere. Well, thank you.

MR. DUKER: Richard, thank you very much. At this time the chair would like to recognize Stanley Logan. If you would come up here, sir.

MR. LOGAN: I appreciate this opportunity to provide some balance in today's proceedings. I am Stanley E. Logan. I have a Ph.D. in Nuclear Engineering and I'm a professional engineer in the State of New Mexico and a consultant in safety analysis, environmental studies and hazardous radioactive waste management, and president S. E. Logan and Associates.

This statement was prepared and is being presented at my own expense as an informed member of the general public. Over the past 20 years I developed extensive background about the WIPP site beginning prior to its designation for WIPP. It may be helpful quickly to review this background.

I developed the first integrated performance assessment methodology for nuclear waste repositories under a contract with the Environmental Protection Agency while on the faculty at the University of New Mexico. This study was a preliminary work that ultimately led the EPA standards for

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nuclear waste repositories, 40 CFR 191.

I served as a member of the Independent Review Committee for Defense TRU Waste for five years from 1983 to 1988, including four years as chairman. This committee reviewed waste characterization and quantities at the several generator sites, waste certification and inspection of equipment and procedures, the WIPP waste acceptance criteria, documentation, transportation, TRUPACs gas generation, and a number of other issues related to transuranic waste and WIPP.

I’ve been a consultant for the New Mexico Environmental Evaluation Group on several occasions working on a variety of topics concerning WIPP. My last contract with work related to WIPP was almost two years ago was a consultant on risk assessment of various waste treatment options. Earlier this year, I presented a paper covering a self-financed study that proposed a means for preempting and removal of risk from pressurized reservoirs.

Now, next let’s turn to the WIPP Part B application. Volume one of this document is the focus of the work that the New Mexico Environment Department. I’ve gone through this volume page by page. The DOE seeks a permit to perform bin-scale tests with TRU waste. Because about 60 percent of this waste is contaminated with substances defined as hazardous, much of it only in trace...
quantities, the test work is subjected to requirements of
RCRA and hence the permit application. In fact, RCRA isn't
even concerned with the radioactive material that comprises
the bulk of TRU waste. The test phase will be used to
gather data to support the performance assessment power
which will determine suitability of the site for long term
disposal of radioactive waste and also to verify data and
assumptions that were used for modeling in the No-Migration
petition.

It should be noted that WIPP will not accept
waste that exhibits the characteristics of ignitability,
reactivity or corrosivity. Monitoring and test procedures
will limit volatile organic compounds, hydrogen and methane.
Various engineered alternatives will be evaluated with
pressure and gas composition measurements. Each bin will be
contained within a secondary containment system. There is
no possibility that waste could migrate from the units by
groundwater or directly through the salt rock.

I don't want to sound like I'm trivializing the
hazardous constituents and that is not my intent to do so,
but we should recognize that we're talking about common
industrial cleaning solvents and other common material. For
example, benzene is a component of gasoline in our autos.
We each have about 30 pounds of lead in our car batteries.
We use cadmium plated bolts.
We have nickel and chromium plated trim. We have mercury in our thermometers, and I'm wearing a silver bolo tie. Chloroform is, or at least used to be, common in hospitals. I've used trichlorethylene vapor degreasers in industrial shops and you'll find the other solvents in local paint stores and/or in laboratory and industrial supply houses. Some of the hazardous materials are naturally occurring elements but when we talk about small amounts of these same materials in WIPP, an emotional outcry occurs.

Independent of any conditions that may or may not be attached to a state permit, there are already many constraints that provide adequate protection for our citizens. The No-Migration variance issued by the EPA has four general conditions eight specific conditions. These rigidly control the test phase, require notification of the EPA of any changes or migration of hazardous components and require a detailed annual written report.

The WIPP land withdrawal law requires that DOE submit a test and retrieval plan to the EPA and obtain EPA approval, states that EPA standards in 40 CFR 191 will be in effect until specific WIPP related regulations are issued and required removal of the waste if the EPA does not certify that WIPP is in compliance with the regulations ten years after waste emplacement begins. In addition, the WIPP panel of the National Academy of Sciences and the
Environmental Evaluation Group serve as watch dogs.

Proponents of WIPP try to make much of the fact that 40 CFR 191 which was remanded by the Court to the EPA for revision. These standards were originally promulgated as generic standards for radioactive waste repositories. The Court had no problem with Part A which deals with operational periods of repositories such as the test phase of WIPP. The problems that the Court had with Part B, which deals with long term storage, were on technical points that were not relevant to WIPP. Therefore, the problem features can readily be omitted, and the promulgation process corrected to quickly obtain suitable regulations limited to WIPP.

Opponents of WIPP argue against opening WIPP for tests until the 10,000 year performance is proven. But the long term performance assessment comprises complex calculations that depend upon decisions such as whether certain waste require additional treatment, whether chemical gas recombiners should be added, whether additives should be in the salt backfill, etcetera. The tests themselves address these factors. Health and safety requirements are in place and will be met for the test phase. Any statements to the contrary by opponents is not true. Opponents know that if they can get any controlling agency to lock in compliance with the EPA long-term requirements as a
condition before short term waste replacement can begin, that they can proceed to tie up WIPP indefinitely with trumped up court challenges of the EPA Standards. The EPA did not take the bait on the no-migration variance and congress was wise enough not to take the bait when enacting the land withdrawal bill. Now the opponents are down to their last card, attempt to force the New Mexico Environment Department to take the bait and add encumbering conditions to the state permit. To this end, the CCNS and the Environmental Defense Fund conducted three workshops in Santa Fe this past week to tell their followers what to say at this meeting. They evidently believe they can make up with quantity for what they lack in substance. A news item reported a misleading and controversial Greenpeace television advertisement urging people to oppose WIPP. Other such groups are also active with coordinated emotionally based campaigns.

The request for a state hazardous waste permit is not a referendum on test plan objectives or on performance assessment of long term storage. It is not even directly concerned with radioactive materials. Adequate provisions are in place to protect the public health and safety. I urge the Environment Department to avoid becoming a pawn of WIPP opponents who are less concerned with safety at WIPP than they are with furthering their agenda of
sabotaging all nuclear progress. I urge that a permit be
written and issued without encumbering conditions that would
further delay getting on with the matter of safe disposal of
transuranic wastes.

MR. DUKER: The chair would like to recognize
the next presenter, Don Hancock. If you would state your
name and organization, sir.

MR. HANCOCK: Good morning, I’m Don Hancock from
Southwest Research and Information Center in Albuquerque,
and I think most of the people on the panel know me one way
or another. I will apologize to the people in audience by
addressing the folks up here and during my discussion.

There's several points I would like to make and
I will try to be brief and run through a number of things
pretty quickly. I do intend to submit some additional
written comments to the Department.

One of the issues that’s been obvious for a long
time about WIPP is how the Department of Energy has made
many decisions based on a predetermined arbitrary schedule.
And I have concern based on the schedule that the
Environment Department has developed for this permit process
that you may fall into the same trap. Your schedule of
issuing a permit by August 24th of 1993, I don’t believe can
be met because you don’t have the information you need in
order to issue a permit.
So if you are going to proceed along the lines of making a decision in less than a year, I think your only decision will have to be a Notice of Intent to Deny a permit for lack of adequate information that you need. And I, of course, would encourage the Department to look at that issue very carefully because as I say, I think the thing that you are going to need to do is issue a Notice of Intent to Deny.

The basic issue before you and I know you know it but since some people in the audience may not, I want to sort of remind us all of what the requirement that you have is. RCRA says that to the legal requirements you’re working under is to, and this is a quote "to minimize the present and future threat to human health and the environment." To minimize threats.

Now, I would argue that that’s a related issue to the issue that Melinda Kassen has presented you with in terms of looking at functional equivalency. How are you minimizing the threat by having tests done at WIPP that don’t need to be done at WIPP. In fact that create more of a threat to human health and the environment than by doing those tests at the point of generation where those tests currently are.

Most of the comments that I want to make today will more relate to revised Chapter B, as in boy, because
the original permit application in February of ’91 and the revision in March ’92 are being substantially revised as they have to be and, therefore, it makes it difficult for me or other people in the public to A, having difficulty getting ahold of the seven volumes, and B, getting ahold of the RCRA responses to be totally up to date with all of the discussion.

I would second, requests have already been made about making both the application and the DOE’s responses more broadly available and more easily accessible to the public. The September 11th revision of Chapter B says that the test plan that this application is based on is this document, the April 1990 WIPP test phase plan for performance assessment. Among the things that plan says is that it’s a five-year test which will result in a demonstration of compliance with the EPA disposal standards for the end of 1995.

That’s the basis you are working on your permit, you’re going to be issuing a permit for two and a half years with time then for closure. This plan says approximately two percent by volume of the design capacity of waste will come to WIPP in the test phase.

Obviously we all know that that’s not correct, that under existing law that would be illegal under the WIPP plan withdrawal which leads us back to do you have enough
information to issue a permit?

Under that WIPP plan withdrawal law, the new test plan will be approved by EPA sometime after you all issue your permit in August of 1993, according to your schedule. So in the interesting situation of you all issuing a permit EPA, approving or disapproving or modifying a test plan that's not at all the same as the permit that you have issued, seems to me that you have to deny a permit until you know what the test plan is, you know what the wastes are by volumes and types and specifics, you can't know that until DOE has a new plan, until EPA approves that plan.

The test plan says this test plan says there would be 116 bins with waste. Is that what you're being asked to permit? It seems to me DOE is not in a position to ask for more than 116 bins since that's not what the plan talked about. Another thing that I, of course, should mention about this plan is that by any independent technical reviewers who have looked at it, including the National Academy of Sciences, they have found it to be wholly inadequate and not an adequate scientific basis for a test plan and I would argue for a RCRA permit.

RCRA also gives you another requirement related to permit conditions. That requirement is, you know, permits shall contain such terms and conditions as the state
determines necessary to protect human health and the environment. I think what that means is when you actually get to issuing a permit or looking at a draft permit, that you need to have say a number of things. One is that any change in this test plan or any future test plan will trigger a modification requirement. That should be a condition.

Secondly, the permit conditions should be related to the provisions that would be most protective of public health. I have already mentioned one of those would be selected in the shortest possible time for the permit.

Secondly, to limit the amount of waste to the least required and requested, and again this is one of the things that's also very puzzling about DOE's applications, how many bins are they really asking you to put in the rooms? Sometimes they say 116. The application itself in Chapter D says each room is expected to handle 76 bins. What is it they're asking for? Since they're usually asked for a variety of things, I would encourage you to always pick the one that is most protective of human health and the environment.

They talk about both type 1 and type 2 bins but they don't describe type 2, obviously those cannot be permitted. There has already been mention of monitoring for BOCs, it seems to me there needs to be requirement for
specific and continuous monitoring of BOCs by themselves.

I would, Susan in her presentation this morning talked about the clean closure. It seems to me it should be made clear to DOE and any permit in the future, that one of the conditions is that always used in any test phase will have to be retrieved from the underground in the waste handling building and taken someplace else. I hope that’s what you meant by clean closure, but that’s the sort of thing that needs to be very specifically written and identified.

Another issue is the smallest possible boundary ought to be used as you all have had numerous discussions with DOE already. They would like to use the entire 16 square mile facility as the boundary, that’s totally improper. Since I’m sure I’m running over time, let me just say one last thing rather than rambling on through my long list of other problems which goes to Chapter I.

Chapter I as submitted to you says that it takes 830 days from the decision to retrieve until retrieval is complete, it’s 28 months. That’s obviously ludicrous and unacceptable and the fact that the DOE is asking you for a variance from the normal 180-day requirement is something you should reject. They shouldn’t be allowed ever to put in anymore for tests than they can totally retrieve and remove from the site within 180 days at the most. Thank you.
Mr. Duker: Thank you Mr. Hancock. The chair
would like to recognize the next speaker, Gary Gallup. Will
you come up, sir.

Mr. Gallup: Good morning. My name is Gary
Gallup. I'm a local public access television producer and
I'm speaking on behalf of myself. And my first comment
would be I believe the Department of Energy's application
for hazardous waste permit should be denied.

If this hearing is to be the legal equivalent of
an EIS hearing, alternatives to a test phase should at least
be discussed and fairly evaluated, including the possibility
of denying the permit. The DOE has not offered any
alternatives to this test. The DOE has not supplied
important information which should be required before its
application is even considered. For example, the DOE has
not explained how the test will end, what interim storage
site, if any, will be used, and how or whether they can
retrieve the waste after the test period of five years.

If a serious accident occurs during the test
period such as a shaft collapse or a plutonium fire, how
would the DOE retrieve the waste and where would they take
it?

The DOE has no valid scientific need to conduct
hazardous waste tests at WIPP. If testing were ever
necessary, it could easily and more safely, been done in a

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laboratory, or on the site at Rocky Flats, or INEL, etcetera.

Point 2, Strict requirements to comply with the permit condition should be enforced by New Mexico. The Federal Facilities Compliance Act allows the State to fine or close a facility if the state finds violations of the permit occur. As the DOE is notorious for violating health and safety regulations as well as state and federal laws, strict compliance with the permit conditions should be enforced.

In view of the past DOE safety violations at other facilities, a state oversight provision should be included in the permit to insure compliance with the permit. Personnel and facilities should be provided to oversee out-of-state site inspection, verify drum contents, etcetera. This should be paid for by the DOE as part of the permit fee.

Point 3, The permit should require specific, on-site, periodic, and ongoing safety and emergency situation training.

Provisions should be spelled out for ongoing training in the permit.

The DOE should develop an emergency plan covering ceiling and wall collapses, fires, etcetera and keep trained personnel on-site to deal with these
situations.

Point 4, the permit should restrict the time frame and facilities to those mentioned in the application. A five-year limit on the test phase restricted to the current building on the WIPP site. Incinerators, tanks and time extensions should be specifically prohibited in the permit.

The New Mexico Environmental Department should allow additional opportunities for public input if modifications are necessary to the permit. The contents of the waste drums should be known specifically before placement. The permit should require identification and verification of the drum content before it is shipped or stored to prevent dangerous waste mixtures. Process knowledge or statistical sampling methods should not be allowed in determining the drum content.

Interim storage of waste should be prohibited in a permit. The permit should require the DOE to retrieve the test waste if the test indicates WIPP is not a suitable site.

The DOE should be required to submit detailed plans for removal of the test waste and closure of the site in the event it's determined to be unsuitable for long-term storage.

The permit should specify stiff fines against

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the DOE for failure to retrieve the test waste and properly
shut down the test site. Thank you.

MR. DUKER: Thank you very much, sir. The chair
recognizes the next presenter, Jerry Bober.

MR. BOBER: Good morning. I am representing
myself even though I'm a member of quite a few environment
organizations. I am one who is opposed to all nuclear
weapons. I am very angry at my taxpayer dollars being spent
both at the federal and state level on opening facilities
whose needs I question.

If I understand it correctly, the purpose of
WIPP is to store waste material from the production of
nuclear weapons, and that we're going to go through a
five-year test phase to define whether or not we're going to
open this facility for another date.

It seems to me that we're presupposing that
we're going to be in the business of producing nuclear
weapons for at least another five years and further in the
future. And I am questioning why we are doing that. I
believe that if WIPP is not allowed to open in a reasonable
period of time, then perhaps the government will relook at
whether or not we even need WIPP.

If we have no place to put this toxic material
that we generate, maybe we will stop generating it in the
first place. I believe the continuation of building weapons
encourages other nations to have their own, so therefore, I believe that the New Mexico Environmental Department has potential of influencing the nation's policy towards nuclear weapon.

The Environmental Department in the cyclical review can make it impossible for DOE to comply. As an engineer, when I was designing circuits, we would go through what we call a worse case analysis designing a system. We would try to determine that if any of these conditions occurred, would the system still operate, do the function it was designed for. The point then comes to the conclusion that if you take all the possible things that can occur, you find that nothing would ever work if you tried to design to it take all these things into consideration.

Therefore, what you do is you take a look at the probability of it occurring and you then design and test your systems in such a way as the most likely things that will occur you try to either design them out or test them out in the process. If you fail to do this when you're designing a computer system that you're going to sell, it costs the company a lot of money but it's mostly an inconvenience and not necessarily a life-threatening condition.

You have a system here whereby if designed and you say that well, this condition has a possibility of
occurring but probably wouldn’t occur, if it does in fact occur, the ramifications can be disastrous. You’re talking about situations whereby you’re not just talking about spending a lot of money, you’re talking about threatening people’s lives, not only today but also in the future.

I’m sure that specifications can be written or reviews can be done in such a way that it would be impossible for the DOE to comply, and as an engineer I would be happy to volunteer my services to show you how these things can be done.

The gentlemen, the Ph.D. gentleman talked about technical aspects of the thing, that people opposed to WIPP are getting very emotional about it. He’s absolutely right. I believe that this is an emotional issue, not a technical issue. I believe we can use technical means though to prevent something from occurring that shouldn’t occur and that is the opening of WIPP.

I believe that we are using our nuclear power to define ourselves as a super power. I would like to see the United States stop doing this. I believe a true super power is one that provides the rest of the world with a way of living as one would have a fear of worldwide destruction.

Thank you.

MR. DUKER: Thank you, sir. At this time I’d like to recognize our next speaker Linda Seese.
MS. SEESE: I'm not a public speaker and I'm sure I won't take ten minutes. I'm a gardener, and a grandmother, and I live three houses from St. Francis Drive where the trucks may be coming. I have a couple questions, I guess. First of all, I believe that the tests, that the waste could be tested where it is. If these containers are as foolproof as they're supposed to be, let's leave them there. I think it's really, I know that the State Environmental Department can't do anything about transporation, but it really scares me about these things going down the highway. They are very volatile wastes.

I would like to know if you are going to test each barrel or take an average. As I understand it, you do want to take an average and that worries me because what about the ones that are above average. I think New Mexico should put in a permit to have the right to check each barrel. Nevada has state employees standing there watching the check.

As I understand it at this point, it's to be safe for contamination in the air. I would like to know about some checks of contamination into the water and to the either in terms of safety for everybody, they are talking about putting this into an area which last year had an earthquake. This seems totally ridiculous to me but I think you need to put some things in there about what to do in

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terms of earthquakes because this is going to be under the

ground. If there is one earthquake, there’s going to be

more.

Will you just be testing from Rocky Flats in

Idaho? I think we need to put into the permit what
guarantee that it’s only coming from there. I understand
there is one part of the permit that says what to do if
contamination occurs. Why would contamination be occurring,
what do they mean by this, what can we do to prevent it?

I would also like to know about some boundaries,
some guidelines about the waste handling at the building
when you move it from the trucks into the building. It
seems like we need a lot of safety precautions there.

And lastly as I understand it, these test rooms
were built five years ago to last five to seven years. What
are they going to do if they bring them this year, next year
and it’s supposed to last for five years? We need some
guidelines around that. I guess I represent myself but I
feel like I represent at least some 17,000 New Mexicans who
signed a petition against this happening, and not everybody
has the time or the guts to come up here and talk to you.

Thank you.

MR. DUKER: Thank you very much. At this time
the chair would like to recognize the next speaker Margaret
Carde from Concerned Citizens for Nuclear Safety.
MS. CARDE: I am the President for Concerned Citizens for Nuclear Safety. We have about 6,000 supporters in New Mexico and throughout the United States. My comments this morning are going to be general mainly because the final deadline for revisions by the Department of Energy and Westinghouse was on Friday and I just on Friday got a partial accounting of that revision, so I will be submitting written testimony as several other people have said.

I would like this morning to address a couple of key concerns that I have that are general. The first one is that there seems to me a discussion right now between how generic this permit should be, how specific it should be, and I would like to just say that Concerned Citizens for Nuclear Safety is very much in support of a specific permit. I think the conditions under which this permit is being written are leading to or encouraging a generic permit.

There are so many variables, so many things that are not answered. The test phase being the most blatant example. We don’t know what the Environmental Protection Agency will approve or disapprove in 10 months. There will be an incredible amount of pressure on the Environmental Department within the schedule to that write a permit that will cover every alternative. I would strongly hope that you would resist that kind of pressure. For many reasons,
for all kinds of reasons, and I will submit that while it
may seem more economically feasible to write a generic
permit that would cover every alternative so that you do not
have to write the modification, it may be penny-wise and
pound foolish to do that. That in fact writing a generic
permit may be the thing that does not protect us and does
not allow us to go in and stop things which we can recognize
later on are dangerous to us, which would in fact have to be
cleaned up and the taxpayers would have to pay for it.

So in writing a specific permit I would strongly
advise you to put exact things in it like if you need safety
requirements, say exactly what those requirements are
between the bins so that if they are not being met it’s
clear. And that would be just an example.

I have been reviewing the documents, as I said,
as they have come in for back and forth between the NMED and
DOE. One thing that’s bothering me about this interaction
is continued reliance on EPA and the no-migration fairness
as some kind of authority for this permit.

You, as our Environment Department, have a right
to make your own decisions so run the Department of Energy
says that they will only analyze air pathways because the
no-migration variance says air pathways are the only things
that are a threat to us. I would suggest that that may not
be the case and that you might want to ask for soil and
water standards and requirements.

In addition, there are parts of the back and forth where it appears to me that the Environment Department is asking some very valid questions and when the Department of Energy responds, it seems to me that they either beg the question or do not directly respond to those. If I were doing this permit and I am being personal now, I would say to you, that might get tiresome to keep asking the same questions. I would hope it wouldn’t get tiresome, that if in fact you feel that your questions aren’t being asked, that it would be appropriate to say to the Department of Energy, if you cannot answer these questions specifically then we have no choice but issuing a Notice of Intent to Deny. I think that would speed up the process of getting answers.

Just as an example for this, I did want to be general, but I do have specific examples for this and I thought if I read one response you could get a sense of what I’m talking about. The Environment Department I think very well asks for verification of sampling analysis of the waste accepted at WIPP. That it will conform to RCRA waste characterization requirements. The response goes like this. Since these are off site documents under the control of the operating contractors at the generator sites, it is not considered appropriate to include them in the permit application either physically or by reference. I think that
that is a side slipping of the issue.

In fact, I think I'm correct on this, Rocky Flats is a RCRA permitted facility and would certainly be most likely to accord with RCRA of things, but I understand there are at least parts of that I know that are not. And if the RCRA is going to come from INEL as well as Rocky Flats, it seems to me something that the Department of Energy should answer directly and not just refer to Rocky Flats.

I've been sitting here crossing out things that have been said already, but I do want to emphasize some things that people have emphasized before. That is, this permit is to minimize hazard to New Mexico and I would hope you would take that very seriously the minimization of the hazard to New Mexico.

And the second thing is I have a direct question that if you could answer it right now and no one has been able to answer it for me. One of the quick questions that we have at CCNS and many people have it is the direct analysis versus process knowledge and hope. Throughout the permit you talk about RTR or Real Time Radiography. The question I have is this Real Time Radiography videotaped stuff like barrel to barrel and there's a document and that that is then sent immediately to the Environment Department? Is that the kind of plan that's going to happen or it will be stored at the point of origin, these
videotapes. Is there a time or date on them that can’t be changed? Can you answer them, is there some actual document videotape.

MS. COLLINS: Yeah, I think I would like DOE to answer the RTR section of that question. She wants to know about the RTR.

MS. BARATTI-SALLANI: could you ask me again what you want?

MS. CARDE: I’m asking, there is a part in this response where the Environment Department has asked if videotapes and Real Time Radiography will be provided to them, and the response that the Department of Energy says you’ll always have the possibility of accessing RTR but no videotape was mentioned, and it’s my job to question is that just a natural thing that the video tape is part of the RTR?

MS. BARATTI-SALLANI: Not necessarily. The RTR is a fixed rate type of underground viewing, if you will, and they do keep that on hand, but I’m not sure that any of the generators use the video that extensively if they use it at all, but the RTR is kept there. Jack can give you probably a more technical explanation.

MR. JOHNSON: I would like to address that because the RTR system was devised with a video camera built right into the system so that everything that’s in the
record and the operator's voice who's reviewing the record can be completely documented. And those tapes exist and WIPP has copies of those tapes.

MS. CARDE: I would just like to say that it seems to me that that response was not given in response to NMED's question that they asked for the videotape and the RTR, and I don't know, somehow it seems like it's not a direct answer. We're very concerned that there is, there are New Mexico officials up there for the direct analysis for the RTR for all of that, but I also think it would be important to have a document, a physical document like a videotape and not that NMED would access it but that a copy would be provided to NMED to have in our own files, you know, with an immediate time frame.

And the last thing that I would like to say is that this is an incredible process for the people of New Mexico. These meetings are not easy for us, getting the information is not easy. Many people work all day long in Santa Fe. The documents are provided at the New Mexico State Library which closes at 5:00 and is not open on the weekends. This is not user friendly, so the first thing I would like to say is that there are many people who would like to look at these documents and have not had a chance to do so.

I am concerned about internal deadlines but
should the November 25th deadline for written comments not be able to be extended in order for you to meet your December 4th deadline yourself, I would like to ask you nevertheless for the public to accept comments after November 25th and consider them as you write the application, even if they can’t be considered for notice of deficiency. Thank you.

MS. BARATTI-SALLANI: Margaret, I would like to address your last comment. There is no NOD date. The influence of these comment periods is what will determine the date that we issue the notice of deficiency, so we will continue these meetings, incorporate, consider all comments made by citizens. We have to review the new submittals from the applicant, and after we finish that we will then issue the notice of deficiency.

MS. CARDE: Can you tell me what the December 4th deadline was I was referring to?

MS. BARATTI-SALLANI: The December 4th, when we originally set our schedule, that seemed a logical date that we could accomplish all of our tasks, our review tasks. We don’t feel that date is accurate anymore because we need to give ourselves the full amount of time to consider all comments made during these meetings.

MS. CARDE: I would like to request then an updated timetable as you are looking at it now and what that
does to the August 24th.

MS. BARATTI-SALLANI: When we develop a new tentative proposed schedule, it will be in the WIPP repository that's in the Office of the Secretary. We don't have it yet because we don't know the dates.

MS. CARDE: Will that be in the newspaper? How will the public know when this timetable is going to be available?

MS. BARATTI-SALLANI: I think that our only -- Are you really interested in knowing the date that we're going to issue it, is that what you're asking?

MS. CARDE: I'm interested in what it does to the August 24th deadline.

MS. BARATTI-SALLANI: There is no deadline for August 24th as far as the technical program is concerned.

MS. CARDE: Anymore?

MS. BARATTI-SALLANI: I don't know if there ever was. We're working on an internal time frame. What we are looking at is technical review and assessment and then when we hit the fork in the road when we're going to look at Notice of Intent to Deny or issuing a draft permit, if everything is submitted in accordance with our time requirement, we would be looking at scheduling more public hearings or more public input and having the public hearing itself. And those things are all kinds of, they're not in
concrete in any way, shape or form at this point in time,
and I can’t tell you that we’re going to go out and give you
a specific date for the Notice of Deficiency. That will
happen based on our review of the last submittals by DOE,
and it will also be dependent on our ability to respond to
all your questions and comments at these meetings. And we
propose to do that as soon as we can, and that will
essentially set us in time somewhere in terms of a new
schedule, but I can’t give you a concrete answer in terms of
time frame.

MS. CARDE: Well, I have lots more to say but
other people have lots to say too. Thank you.

MR. DUKER: I would like to repeat just a little
bit of my opening statement for a number of you who weren’t
here to hear it about how we’re conducting these meetings.
We are scheduled now as per what I said this morning, to
take a break for lunch and we want to be back here ready to
go right at 12:00 because this gives some people an
opportunity who have a 12:00 to 1:00 lunch break to be
here.

At 12:00 we will repeat the brief presentations
we made this morning at 9:00 and also people who wish to
make comments or presentations may do so by signing up an
available time at the table out in the lobby. The same
thing will occur again tonight at 6:00. We will break from
5:00 until 6:00 for a very early dinner and go on from 6:00 to 9:00 tonight. That's for the benefit of those of you who were not here when we went over this this morning.

I know a lot of you just came in but that's the time frame we put ourselves on and it is a requirement in this building that while we are gone for both lunch and dinner this evening, that we do clear the auditorium and I'll have to lock it up, but I will be back here, I promise you, before 12:00 to get it open again for you. So with that we appreciate very much all of you who came this morning, the comments that were received, and we hope we get equally participation this afternoon and this evening.

Thank you very much.

(WHEREUPON, a recess taken.)

MR. DUKER: Again I would like to welcome you to the New Mexico Environment Department Public Information Meeting regarding the WIPP Permit Application Procedure for the Test Phase.

We're pleased to see all of you who took the time and made the effort to come here. I would like to make one note here, if anybody needs a translation in Spanish or wishes to make the presentation in Spanish, please identify your need to our translator, Mr. Sivas right here at this desk.

While the New Mexico Hazardous Waste Regulations
do not require these meetings, it is the desire of the Secretary of Environment Department, Judith Espinosa, to have these informational meetings to solicit input from citizens of New Mexico early in the process. It needs to be emphasized that this permit application being considered is for the test phase and does not include the request for permit disposal and mixed waste at the WIPP site. The requirements and the details of this permit have not been formulated at this point. NMED is currently in the process of a technical review of this application. When a draft of the permit is completed or a Notice to Deny, there will be formal hearings.

The reason for these meetings is to inform you about the application, what it is that NMED addresses and what we do not address, and to also include your input into the process. In order to provide the maximum amount of time for all interested persons to express their thoughts, we've instituted a basic procedure for the conduct of these meetings. If you wish to comment or make a presentation, please sign up for available time at the table outside the door. This will be on a first come, first served basis. Each speaker who signs up will have 10 minutes. Unscheduled comments or questions from the audience at large cannot be recognized due to this kind of a time constriction. If you wish to comment, like I say, please sign up for a time to

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speak. Please stay within the allotted time so as to not to
take away from the others who follow you. All oral
presentations will be officially recorded and will be
studied thoroughly.

If you wish to submit any written material,
please do so at the sign-up table. This will be logged into
a register or you may mail material to NMED as long as it
reaches no later than November 25th. All written input will
be studied thoroughly. Please register your name, title,
organization and mailing address if you wish to receive an
executive summary or a reply to your input. You will
receive a reply within 30 days.

These meetings are specifically for the
consideration of the WIPP permit application for the test
phase. Please comment on this issue. Comments or materials
not related to the WIPP permit application for the test
phase will be accepted and recorded. However, this permit
application for the test phase is very specific in what is
involved and what is not.

There may be some comments or questions which
cannot be answered at this time and that's simply because
we're still in the early stage of the process. As these
meetings begin this morning at 9:00 and they will run until
9:00 this evening, there will be a need to take a number of
breaks during the day. We have just completed a luncheon
break. We will take 10-minute breaks at 2:00 and 3:30, plus a one-hour recess for dinner from 5:00 to 6:00, and we anticipate one more 10-minute break about 7:20 this evening.

The meeting is scheduled to end at 9:00 p.m.

For your information there is no smoking of course in this auditorium. Restrooms are located outside the lobby. When you reach the intersection there, the Women’s rooms are to the left and the Men’s rooms are to the right. There are no phones on this floor but there are pay phones on the ground floor above us.

The NMED wants to hear from as many citizens as possible. In order to accomplish this and be fair to everyone who wishes to comment, it is important to stick to the particular issue at hand and to stay within the ten minutes allotted to each speaker.

Demonstrations or other disruptive behavior are prohibited in this auditorium. You’re asked to refrain from any heckling or booing or any such things. This will only serve to cause delays, prevent others among you from being heard and even in an extreme case, cause the termination of the meeting.

At this time I would like to introduce the participants in this particular meeting.

We have from the New Mexico Environment
Department in the back of the auditorium here, Kathleen Sisneros, who is the Director of our Water and Waste Management Division.

On my left is Benito Garcia, who is the Chief of the Hazardous and Radioactive Materials Bureau for the Environment Department.

Next to him is Susan Collins who is our WIPP permit coordinator, and next to her is Ginny Nelson from our Office of General Counsel at the Environment Department.

Over here on my right is Robert Lopez, also with the Environment Department.

Over here at my far left is John Darabaris, who is with A. T. Kearney Company, who are consultants to the New Mexico Environment Department. Right here is Connie Walker, also with A. T. Kearney, and again in the back of the auditorium is June Drieth with A. T. Kearney.

On my right over here, we have from the Department of Energy Patty Baratti-Sallani.

From Westinghouse we have Larry Ledford and Jack Johnson. I am with the New Mexico Environment Department and I'm serving as moderator on this and my name is Tom Duker.

We will now have a brief presentation by Susan Collins, who is our WIPP permit coordinator. Susan's with the New Mexico Environment Department Hazardous and
Radioactive Materials Bureau. Her presentation will be
repeated again at 6:00 p.m. tonight.

MS. COLLINS: Thank you, Tom. In the time that
I have I would like to give you a brief view of the
permitting process and then specifically address the status
of the WIPP Part B application, both general overview and
some very specific aspects of the administrative and
technical review that the department undertakes.

To do this, I’m going to address four key
issues. Why is the State of New Mexico reviewing the WIPP
application, what is the test phase, what’s in an
application, and what’s the status of the review. What’s
been done, what are we doing right now, and then a review of
the regulatory process that would give you a sense of what’s
going to happen in the future.

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

During this test phase DOE Westinghouse wants to
conduct tests using RCRA hazardous waste that is mixed with
radioactive waste, hence the term mixed waste. This
requires a RCRA permit. I would like to point out that our regulatory authority is over the hazardous component of this mixed waste, but because the radioactive component can't be separated from the RCRA hazardous waste, the New Mexico Environment department regulates it all.

An example of the mixed waste might be a glass beaker that's contaminated with both a radioactive component and a hazardous waste.

What exactly is the proposed test phase? This test phase is a period of time during which various tests will be performed to evaluate the suitability of WIPP for long-term disposal. DOE Westinghouse has developed test phase plans describing the activities and tests that will be performed during this time.

The New Mexico Environment Department has examined elements of the test plan that apply to the Part B permit application. Specifically, those elements insuring that DOE Westinghouse will safely manage the waste at WIPP. We don't examine all of the test phase plan but consider those portions of the plan for which a permit is required and only those portions of the test that are governed by RCRA. That is we don't regulate specific tests or experiments per se but rather we regulate safe management of hazardous waste during the test.

If a permit is issued DOE Westinghouse cannot
implement a change in the test plan that affects the RCRA permit without notifying the New Mexico Environment Department. If DOE Westinghouse were to do this to begin a new test, they would be in violation of the permit. Should DOE Westinghouse want to implement tests not technically reviewed in the process we’re in now, for example alcove tests, the appropriate regulatory mechanism would be to request a permit modification. This would only occur if a final permit had been approved by the Secretary. This kind of permitting action requires a complete administrative and technical review, an opportunity for public involvement during a public comment period and hearings.

So to summarize the test phase, it’s a period of time during which DOE wants to perform various experiments and activities at the WIPP. The test plan describes various experiments DOE wants to perform during this time period. The New Mexico Environment Department regulates the safe management of hazardous waste, not the tests themselves. If there are tests in the new test plan currently being developed by DOE that involve RCRA hazardous waste and that the State has not technically reviewed in the application process, DOE Westinghouse will not be allowed to implement them. They will be in violation of their permit should they proceed with any new test.

And finally the only way to proceed with new
tests contained in the new test plan would be to request a permit modification. Now we know why the New Mexico Environment Department is reviewing the WIPP application, this involves mixed waste. We know what is in the test plan and what the test phase is. Next I would like to tell you about the application, what’s not reviewed in the application, and finally what’s excluded from shipment to WIPP.

What’s excluded from our review? The Department during technical review does not review activities outside the WIPP boundaries such as transportation, transportation routes, emergency response during transportation and, for example, TRUPAC design. In other words, we review what we have regulatory authority for. Questions have come up in the last two public meetings on what waste is excluded from shipment to WIPP so I would like to address that now.

There are numerous criteria that must be met prior to shipment from either of the two generator sites. Restrictions from shipment include but are not limited to the following. There are no explosives or compressed gases that can be shipped. There are no ignitable, corrosive or reactive wastes. There are no free liquids. This means that partially solidified sludges, for example, can’t be shipped through WIPP, only solidified sludges.

Now, for a closer look at the application,
what's its format and what's in it. The application is
broken into chapters. The first chapter is Part A. This
consists of several standardized forms. It provides general
facility information, the name of the facility EPA I.D.
Number, location, who is the owner operator. Tells us the
types of hazardous waste activities and it gives the type of
waste that will be handled.

Chapter B contains a general description of the
facility which expands the information provided in the Part
A. Typically Chapter B gives a detailed description of what
business is conducted at the site. It gives a physical
portrait of the site, what does it look like. There's a
brief discussion of the RCRA units. We call those RCRA
units Hazardous Waste Management Units. In this chapter,
for example, we want to know if the facility is in the
hundred year flood plane. We want to see topographic maps.
We definitely need to know the boundaries of the facility.
Chapter C of the RCRA permit application addresses analysis
and characterization of the hazardous waste which will be
handled during the WIPP test phase.

This chapter must include all the information
needed to meet the regulatory requirements to properly store
and manage the waste at WIPP during this test phase.
Specifically, we look at what are the wastes and why are
they hazardous, what are the lab tests that detail the
chemical and physical analysis of representative waste samples.

In summary we want to know in Chapter C that hazardous waste destined for WIPP has been properly characterized so that it can be properly managed there during the test phase.

Chapter D, this really provides the nuts and bolts of the unit design, what the units are like, and how will the waste be managed in the RCRA units. Chapter D also provides a discussion of the processes that go on with the handling and storing of the waste in the three RCRA units. Those three RCRA units are the waste handling building, which is on the surface, and the two subsurface units, the two test rooms.

This is very much an engineering section describing standard engineering practices that DOE Westinghouse must follow to insure the safe management of hazardous waste. It gives a detailed physical description of each unit, what the unit is made of. Is it steel, it is cement. This clearly describes the what does it look like. And then this chapter also gives a description of the management practices. The how do they manage the waste in the particular units.

Chapter E is Protection of Groundwater. This provides a complete description of measures to be taken to
protect the groundwater from contamination. This section was extensively evaluated by EPA as part of the no-migration petition.

Chapter F are procedures to prevent hazards. This chapter provides a discussion of procedures to prevent hazards associated with each hazardous waste management unit. It provides a description of security procedures and equipment at the facility and it also outlines inspection procedures and schedules.

Chapter G is the contingency plan. This plan outlines what the facility will do to respond to emergency such as fire, explosions or any unplanned releases of hazardous waste at the facility.

Note the difference between Chapter F and Chapter G. The first, Chapter F, Procedures to Prevent Hazards. This must address how to prevent hazards, but the contingency plan which is a RCRA requirement, requires that the facility address what happens when an unplanned event occurs. Specifically, it tells us who the emergency coordinators are, it gives an evacuation plan, tells us what you say will trigger an emergency response. Also it describes the reporting requirements to local, state and federal agencies. And finally it describes how a similar emergency would be prevented.

Chapter H involves training. It describes the
training people receive to operate and maintain the facility. It also includes an outline of training programs, job titles, and then descriptions of those jobs. This gives training program content and emergency response training.

Chapter I is the closure chapter. It describes how each hazardous waste management unit will be closed at the end of the operational life and how final closure will be conducted. The plan must describe how the facility will remove any hazardous waste, provides an outline for all closure activities as well as providing a schedule for that closure. The State of New Mexico will require WIPP to clean close. This means all waste will be removed from the subsurface as well as the waste handling building.

Now we have reviewed why the State of New Mexico is reviewing the application. We know basically what’s in an application. How does the state make a determination if the application is complete? We begin with an administrative review and we ask for all the pieces there. Once a facility has submitted an application, our first step is to determine if all the required information has been submitted.

If you want to visualize a hundred piece puzzle as a Part B application, and the New Mexico Environment Department wanted to determine if that puzzle was administratively complete, we would count to see if in fact
a hundred pieces of the puzzle were there, but we would not consider if the pieces were bent or if they were broken. We would not look to see if all the pieces would go together. We would just want to know if there were a hundred puzzle pieces there.

For the Part B application, we would want to know if all the chapters were there. For example, is the contingency plan there, is the closure plan there, are the appropriate schedules and inspection descriptions provided in those chapters. But we don't evaluate it on technical merit. We just want to know if all the pieces are there.

The administrative requirements found in the regulations are what guide us in this particular review. The Part B application for WIPP has been reviewed by NMED staff and determined to be administratively complete. This does not mean that the application is complete and WIPP has a permit, but rather it means that all the required pieces of the application as defined by the regulations are present.

When the administrative review is complete, the application is determined to be complete and then we move to the technical review, the phase that we're currently in. Technical review is an in-depth evaluation of the permit application. The purpose of the evaluation is to determine if the application satisfies the technical requirements of
During the interactive period of the technical review, the regulator relies entirely on these regulations for guidance, to know what to ask and conversely to know what we can’t ask. This again is an interactive period between New Mexico Environment Department and the applicant. Deficiencies or weakness identified during the technical review that require submission of additional materials or modifications to existing sections of the Part B are requested either informally in working group meetings or formally with a Notice of Deficiency, the New Mexico Environment Department’s more formal way of communicating with an applicant.

Again the purpose of the technical review is to determine if the application satisfies the technical requirements of RCRA. We do this interactively. It’s an ongoing process. We have weekly meetings with the applicant. We ask for data, we ask for modifications to the application, we ask for a great deal of information. This is where we are now in the permitting process. What is unique to this process are the meetings we’re now engaged in.

At the direction of Secretary Espinosa, we have scheduled these public meetings to involve the public in permitting process before the State writes either the draft permit or Notice of Intent to Deny. This is your
opportunity to be involved, to give us your technical comments on the application or your concerns in general.

What happens next after these meetings? The New Mexico Environment Department will finish the technical review, we will review the comments made during the public comment meetings, we will incorporate those comments into Notice of Deficiency. Department of Energy, Westinghouse will receive the Notice of Deficiency. They will respond with another revised Part B application. The New Mexico Environment Department reviews that revised application and makes a tentative decision to either write a draft permit or Notice of Intent to Deny. This is an important crossroads in the process.

Notice that it's at the end of the technical review that a decision is made to either write the draft permit or Notice of Intent to Deny. After a draft is written, we go through a public comment period. We have hearings, again another opportunity for the public to be involved. The New Mexico Environment Department will consider and respond to comments generated from those meetings and at that point in the program, it will propose to the Secretary one of three options, either to issue the permit, issue with conditions, or to deny the permit.

I hope this presentation is helpful in clarifying issues and questions about permitting in general.
and specifically about the WIPP Part B application and the
review process we're currently engaged in.

MR. DUKER: Thank you, Susan. At this time
Patty Baratti-Sallani of the U.S. Department of Energy will
give a brief presentation before we proceed to comments of
those of you who have signed up to address this meeting.

MS. BARATTI-SALLANI: The WIPP project was
authorized by the Congress of the United States and as a
result of Public Law 96-164, which was the Department of
Energy National Security and Military Applications of
for the WIPP facility to demonstrate the safe disposal of
transuranic waste that results from various defense
activities in this country. Recently the Congress restated
its intent in the WIPP Land Withdrawal Act of 1992, when it
provided the DOE with a set of prerequisite activities that
are to be completed prior to the initiation of waste
management activities at the facility.

One of the mandates is compliance with
applicable environmental laws and regulations including the
Resource Conservation Act and the State of New Mexico's
equivalent law, the New Mexico Hazardous Waste Act. The
permit application that the NMED is currently reviewing is
one of the steps that the DOE has taken to comply with the
New Mexico Hazardous Waste Act and the Resource Conservation
The DOE is subject to the New Mexico Hazardous Waste Act and RCRA at the WIPP facility because much of the waste is transuranic mixed waste, that is it is radioactive waste that also contains chemicals that are regulated as hazardous waste under the New Mexico Hazardous Waste Act and RCRA.

In order to satisfy the requirements of the New Mexico Hazardous Waste Act and the Resource Conservation and Recovery Act, the DOE submitted the permit application in February 1991, following a written request from the Director of the Environmental Improvement Division, the NMED's predecessor. The NMED initiated their process of administrative review and issued a notice that the application was administratively complete in July of 1992. During the NMED's review and in response to their request, the DOE submitted supplemental information in the form of a revision to the application. This version of the application was made available to the public in the spring of this year in numerous reading rooms throughout the state, including the New Mexico State Library here in Santa Fe.

Currently the DOE is responding to requests for additional information and clarification as the NMED progresses through their technical review of the application. The application is limited to the test phase...
which includes tests with transuranic mixed waste designed
to provide the DOE and the technical community with
information that will be useful in making decisions
regarding permit disposal of transuranic waste at the WIPP
facility.

This decision point is still many years and will
be made after the DOE has demonstrated that the WIPP
facility can isolate the waste for thousands of years.
Congress has recently required that the U.S. Environmental
Protection Agency must review and certify the DOE’s
demonstration of the WIPP facility’s adequacy. Further, the
EPA will have to involve the public, including the State of
New Mexico, in their review process.

The DOE is very interested in what the public
has to say concerning the NMED permitting process. The DOE
has used the benefits of numerous public meetings in shaping
the WIPP program and values the opinions of the public. We,
and our management and operating contractor Westinghouse,
appreciate this opportunity to hear firsthand the public
comments on the permitting process. Thank you.

MR. DUKER: We will shortly begin hearing from
those of you who have signed up to address this meeting.
Just to repeat what I said earlier, please direct your
comments to the issue at hand which is the WIPP permit
application, and please stay within the 10-minute time
frames.

We have a full schedule this afternoon and we want to give everybody an opportunity to be heard. Please give every courtesy to all speakers. Thank you.

First person that has signed up, I would like to recognize Steven Farber, Santa Fe City Council.

MR. FARBER: My name is Steven Farber and I'm a member of the City Council in Santa Fe. I don't have a watch so please stop me when ten minutes are up. I would like to give you some personal background before I talk about the technical issue of the permitting process.

In 1979 I went down to Loving, New Mexico and participated in the first demonstration against WIPP. I remained, I was opposed to the project then, I remain opposed to it now. As more and more people in this state have become aware of what is being imposed upon the State of New Mexico, there has been an increased development of concern that New Mexico will become a waste land of the United States. And I understand that this is a hearing for the purpose of receiving technical comments, but for the representative from the Department of Energy, I would like to say that I have on previous occasions as a private citizen spoken against WIPP. I refer you to my comments that were made in a far less restrained manner than I'm speaking today.
As an elected public official, I want to share with you my concerns about the WIPP process as well as the WIPP permitting process and its impact upon the City of Santa Fe and the State of New Mexico. I think what we have in this situation is an interesting example of states rights that ought to be exploited. We have just gone through 12 years of a fairly regular and insistent campaign to deprive various people of individual rights and individual liberties with the rubric of states rights being imposed upon that process.

It's very interesting to me that we now in New Mexico have an opportunity to utilize the issue of state's rights to ensure that there will be every effort made to protect the health, safety and welfare of the State of New Mexico and its citizens through this RCRA process.

I would urge the New Mexico Department of Environment on behalf of the City of Santa Fe and on behalf of the State of New Mexico to make sure that DOE Westinghouse, whoever is involved in the WIPP process must meet the most stringent conditions possible to ensure the health, safety and welfare of the State of New Mexico, because it is your decision apparently that will ultimately result in whether the trucks actually start running through this community from Los Alamos and from other points to the north, to the west and to the east.
With regard to the specific permitting process,  
I would request that you require additional waste  
characterization procedures so that the appropriate  
officials will know what is in the waste drums. I believe  
that this needs to be done to prevent waste mixtures which  
could be potentially dangerous to the people who work at the  
WIPP site. I believe that we need, the State of New Mexico  
eeds to oppose process knowledge or statistical approaches  
with regard to what is in the waste drums or bins, and we  
should insist on direct analysis for the potential  
interactions of the various wastes within the drums or the  
bins.

I think we need to require independent  
verification of the contents of the drums by State  
Environmental inspectors at the sites where the waste has  
been generated and that this needs to be done during the  
packaging of the various drums that are going to be sent to  
the State of New Mexico on the TRUPAC’s and that the costs  
of all of these inspections should be borne by the  
applicant.

I think that we need to recognize as I  
understand from reading the materials, that this is a permit  
only for interim testing, and we have to make DOE prove that  
they have an interim storage facility outside of New Mexico  
in the event that there are unforeseen or foreseeable types
of events that will require the retrieval of the waste from
the WIPP site, if it's ever to open, so that it doesn't
remain in State of New Mexico. I think that that's a very
important process as a part of the permitting application,
and unless it is shown that there is in fact adequate
interim storage facilities, that the permit should be
depends.

It is my belief that the permit ought to cover
all of the WIPP site with regard to all of the amounts of
the hazardous waste, radioactive wastes that can be stored
at the WIPP site, above ground, anywhere within the
perimeter as was stated during the presentation.

And with regard to the contingency plans, it
seems to me that we have to recognize that there have been,
as I understand it from reading in the press and various
other accounts, collapses of rooms. And the fact that there
have been collapses of rooms needs to be taken into account
with regard to the contingency site of what is going to
happen to the waste that is on its way to New Mexico if in
fact there is such a collapse and if in fact that collapse
somehow is contrary to the permit that was issued.

I am not an engineer, I am not a technician, I
will have to leave it up to the New Mexico Environment
Department to handle that aspect of it. All I can tell you
is that as a citizen of this state since 1974, I have never
before seen such continued strong vigorous concerns in
opposition to a plan as exists for the WIPP site outside of
Carlsbad, New Mexico. And I would hope that you would bring
to this task all of your expertise, all of your knowledge,
all of your concern and all of your commitment to this state
to make sure that if in fact this has to happen, that it’s
done in the most safe way possible, because the calamity
that could occur with regard to accidents involving the
transportation of nuclear waste as it goes to the WIPP site
and accidents at the WIPP site with regard to what could
happen in and around the area of Loving, New Mexico and also
Carlsbad, I think is something that will last for thousands
and thousands and perhaps millions of years.

I think that the best that you could do would be
to review the application and find it does not meet the
acceptable levels of safety for the residents of this
community and that you would see fit to deny the permit.
Thank you.

MR. DUKER: The chair would like to recognize
the next speaker, Maurice Webster.

MR. WEBSTER: I am Maurice Webster, retired math
teacher and senior citizen speaking for himself. I’m a
resident of Santa Fe. I am not technically trained in this
area, therefore, as was mentioned this morning, I am
speaking mostly from an emotional level.
I have broken this down into four parts, in four
general areas. First of all, I would like an assurance that
the site of origin of WIPP shipments be limited to the two
currently stated facilities in Colorado and Iowa, and that
these not be considered as staging areas for materials from
other areas.

Two. That the Carlsbad site is to contain the
pilot project only. In other words, that there may not be
tanks or incinerators included in this construction at this
time.

Three is a matter of personal bias. I've been
reading the bulletin of the Atomic Scientist for 35 or some
years and I have come to a personal conclusion that I
seriously question the veracity of the Department of
Energy. I find that I can no longer believe any DOE
statements that have not been independently confirmed, and
this leads to several things. The permit needs to be
written in a very tight legal way to insure that there are
no loop holes in definitions or intent.

The needs of the state, the need to be
monitoring both the sites of origin as well as the Carlsbad
site by members of the state supervising the general DOE
operation. And I think that this cause needs to be borne by
DOE and probably should be included in the permit. The
contents of each shipping container needs to be ascertained
prior to shipping and certified as within specified limits. The process and statistical averages are not acceptable.

The DOE must meet all the EPA Regulations without any exceptions and here my knowledge is not sufficient to know whether this totally eliminates and that is not my intent. My intent is public safety. Failure to meet terms of the permit need to carry heavy enough fines to insure compliance.

DOE must meet all because at this time there is no final test plan, the DOE must submit a modification to the permit application to be submitted to public hearings at the time the test plan is in place, provided the test plan occurs after the issuing of a permit. The WIPP site cannot start receiving materials until this process has been completed.

Because this permit is a legal equivalent of technological site investigation, long term, you know I think what I mean, and that the proposal presumes that there will in fact be no spillage, alternatives to blind testing at the Carlsbad site need to be looked at. This testing could be done at the above ground at the site of origin.

Dry runs and the emergency response procedures needs to be done at regular intervals, not just providing personnel with a paper plan. Since the site permit calls for the removal of materials in case of testing, tests show
this is necessary and the State of New Mexico needs to be completely sure that this extra removal will be possible and that I'm not convinced of at this point. And the site to which these materials will go will be determined prior to the issuing of the permit.

The permit ends at the end of the five year period that's been requested and that there will be no exceptions to that.

Point four again is quite personal. I have been left with the feeling that in many minds this process is a legal game and this bothers me. We're not dealing with a simple business decision. The results will last many generations and the failure of this site could cause vast long-term damages. Seismic disturbance that brought down the ceiling cracking and opening containers and opening the floor with high pressure even though the area seems contained, would be a monumental disaster. We need to be sure that we have insured ourselves against the worse possible scenario, not just reasonably certain that this is sure.

This particular project, if successful, will probably be the model for similar sites in various countries throughout the world where contaminants are stockpiled. We have a pressing need to make sure that our solutions follow all cautions and that all questions are carefully answered.

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accurately prior to the issuing of a permit.

I thank you very much for your attention and I wish you all good luck.

MR. DUKER: Thank you, Mr. Webster. The chair could like to recognize the next speaker, Dennis Marker.

MR. MARKER: Hello, my name is Dennis Marker and I'm a full-time resident and homeowner in Santa Fe. I am not a nuclear or hazardous waste expert, but I can read and I do have some common sense. There is much I could say from that basis alone but I will limit my comments to just a few points today.

First, and in many ways most important, the Department of Energy, which has responsibility for all aspects of WIPP, has a long consistent and proven record of distorting information, hiding relevant facts, and openly lying to state and local governments as well as concerned citizens and taxpayers when it comes to promoting a project which the DOE supports.

These are not just idol words but proven facts. DOE has been caught lying about Rocky Flats, the Hanford Nuclear Reservation, Savana River, and even in our own backyard in Los Alamos. While the pattern goes back for many years, it can still be seen quite clearly in the court case surrounding Rocky Flats.

Put quite simply, the Department of Energy
cannot and must not be taken at their word, testimony or promises by the State of New Mexico for anything the Department of Energy says about nuclear or hazardous waste to transport for disposal. When it comes to dishonesty, DOE is a repeat offender. The second point I would like to talk about is who the people of New Mexico can trust with our personal safety, environment, health and financial well-being. We can’t trust the proven record of deception represented by the Department of Energy. We can’t trust the Congress in Washington, whose majority is smart enough to vote to put their nuclear hazardous waste anywhere but their own state. And we certainly can’t trust our Senate delegation whose senior members spent the last several years more interested in being an insider at the Republican White House than protecting the health and safety of New Mexicans.

Who can we trust with our health, safety, environmental and financial well-being? Hopefully you, the representatives of the people of the State of New Mexico. You can do what the federal government was not willing to do. You have a responsibility to the people of New Mexico that even much of our congressional delegation in Washington has forgotten. That responsibility is to put the people of this state first, to reject the pressures of many to ignore the health, safety and environmental concerns this project...
involves.

The responsibility to view the Department of Energy information as its record requires, suspiciously and more likely than not incomplete and inaccurate.

As a resident taxpayer and voter of this state, I ask you to insist on every possible health and environmental safeguard before WIPP is permitted or licensed. Take no shortcut, accept no promise of pledge.

If a DOE assumption has not been proved, don't accept it or believe it. If you have not verified what a container holds, don't accept it. The citizens of many states found out after it was too late about how the Department of Energy was willing to lie and distort the facts to promote its own agenda.

These citizens, state and local government's, can only wish now for the opportunity that you have and us, the people of New Mexico. That opportunity is to write in all, and I repeat all possible environmental health safeguards before the project permits are granted. And if the federal government is not willing to accept our health and environmental terms, they can always take their waste someplace else gladly. If you granted permits based solely on the merits of a track record in history, DOE would not even be able to get a license to operate a diaper cleaning business in this state let alone nuclear and hazardous waste...
disposal.

Unfortunately for all of us, there are many other factors and political realities that you must consider, but you can dot the I's and cross the T's and close the loop holes that the DOE wants with regard to this permit. Make DOE prove why the tests must be done underground and at WIPP. Make DOE tell us in writing where they're going to take the waste if the tests are in your findings at the end of the test period unsuccessful. Do this before the permit is approved. Make the Department of Energy give exact details about the contents of each and every barrel of waste, and require independent verification during packaging. Make absolutely sure in writing that each and every dollar for these and all other possible health and environmental safeguards is paid for by the Department of Energy and co-applicants.

In the end, I would like you to reject this permit outright. I think it's a bad project, unnecessary test being done by a group you can't trust. I personally and I am sure many other people throughout this state are depending on you. Please don't let us down. Thank you very much.

MR. DUKER: I would like to recognize Sasha Pyle.

MS. SASHA PYLE: I'm Sasha Pyle. I'm speaking...
for myself today. It seems to me that NMED finds itself in a strange position at this point. You’ve been asked to write a permit for a test phase which is an artificial ploy to protect the future of WIPP when WIPP itself was an artificial ploy to protect the future of nuclear weapons production. The test phase is as yet unjustified. It’s very nebulous and we know that WIPP has a much great potential as a problem than as a solution. That’s because two-thirds of WIPP’s capacity is reserved for future wastes and the amount of existing waste that the WIPP will address is really infinitesimal compared to the problems that are already existing. And you have presumably limited resources to expend on the process of making the permit different and more specific than the permit application that DOE has prepared according to the generic formula which isn’t geared to the problems at WIPP.

Also, you’re in a peculiar position in that this permit applies only to the hazardous chemical constituents of the WIPP waste and not to the plutonium which poses the most lasting and probably the greatest threat to us in our resources.

On the other hand, this is a huge opportunity for the state because any jurisdiction over how DOE does business with New Mexico over how DOE handles waste and facts and figures and regulations, emergency response,
liability and so on, by extention or default does represent some influence over how DOE deals with radioactive waste.

There is a citizen viewpoint about WIPP and people that are here today are trying to express that viewpoint again. I found it a little distasteful earlier when a speaker that implied that citizen viewpoint had been orchestrated at the last minute by visitors from EDF. I guess that he wasn't aware that a lot of us have developed a background for ourselves as well.

Four years ago, I was in the House of Representatives in Washington at the invitation of Bill Richardson testifying on energy and commerce and armed services committee about why WIPP wasn't ready to open then. Most of the credibility gaps in WIPP's technical program that existed four years ago and two years ago still exist. DOE has on record testimony of thousands of citizens who have questioned to mandate WIPP and expressed concerned over the weakness of the technical program. And I think that hundreds of people that testified at SEIS hearings in 1989 were very eloquent at that particular resource as far as engaged in public opinion.

Citizens know that the test plan is absurd, its unsubstantiated, and in whole generating meaningful data regarding the long-term ability to isolate waste. We're being asked to incur the risk to transportation to have WIPP
at the waste generator sites. The concerns are real. The
citizen viewpoints are real. It's not going away. We know
that the permit you write can and should be stringent and
specific. We know that the state need not accept DOE's
optimistic scenarios that have been arrived at by averaging
and guesswork and statistic juggling and voodoo.

We know the state need not accept EPA's
projection of no groundwater contamination when there's
plenty of evidence to suggest that such contamination can
easily occur. NMED has an independent authorization under
RCRA if not a responsibility to the people of the State to
take responsibility for ground water monitoring and the
protection of the state's water resources.

We also know that NMED has the legal
capability. However, we would like to be able to use it to
deny the permit if DOE can't provide all the necessary
information or cannot meet existing federal regulations.
And we also know there is a very good possibility that DOE
might fail in these ways.

In other words, we're saying that the State is
under no obligation to cave in to DOE at this time. Indeed
under RCRA, NMED is under obligation to protect the
interests of the state, and that is why the permit, if
issued, should be as detailed as possible. And DOE should
be required to come back to the state to get modifications
approved when they do get around to deciding and publishing
the specifics of this unseen test plan if they deviate in
any way from the requirements that are set forth in this
permit.

In other words, a general permit based on the
application in hopes of minimizing future paperwork is not
in our best interests. Writing the permit stringently and
thoughtfully will help stimulate DOE to come up with a
plausible test plan if they can. The possibility of
groundwater contamination of WIPP is very real. The
limitations of the site, the facility, and the human ability
to conduct complex technological undertakings without gross
error are very real. So while on one level issuance of the
draft and final permits amounts to a lot of paperwork and
predictable expenditures of money and staff time for the
state, another level of the process represents a final
safety net for New Mexico.

While we have been let down by inadequate and
withdrawal bill hammered out by people in congress who might
not understand or care about our health and safety or care
about concerns and we have been disappointed by EPA granting
no-migration variance to DOE for WIPP. And maybe it bears
repeating at this point that New Mexico is not known for
being at the top of the list of federal agencies when it
comes to their concerns for us.
We do have the opportunity here because with the advent of the new administration we can be assured of seeing new leadership at the DOE. And I think we can hope for some reversal of the outlook and policies that have resulted in DOE’s fallen track record in the creation and handling of defense wastes.

Because we are expecting to see progress in these areas, this is a good time for NMED to take the time required to write a good permit that’s tough on specifics and ask for the money that’s needed to ensure good oversight.

If it costs money to independently monitor the waste characterization process, now is the time to get that money written into the permit for a permit fee. The money required for dry runs, for emergency response procedures or repeat training instead of one-time training should be written into the permit.

If you issue the permit, you must make sure it explicitly applies only to the five-year period that DOE has stipulated to the test phase. DOE has to be required to come back and go through the permit process again after that period. The state must ascertain why these tests have to be done at WIPP instead of the generator sites including exactly which special equipment at WIPP would be more difficult to transport than the waste itself and document

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that. The permit must establish independent oversight of
the tricky functions of waste characterization and waste
handling. DOE's guesswork is not good enough. The permit
must establish penalties for violations of its
stipulations. The permit must require that DOE furnish
explicit information regarding retrieval plans and the
designation of interim storage location or locations.

WIPP cannot become the de facto interim storage
place if retrieval proves necessary. The permit must apply
only to the waste handling building and the underground
storage panel, not to any incinerator, storage tank above
ground which DOE would like to conveniently stick on the
site, and if the permit process by law is to be considered
equivalent of the Environmental Impact Statement process
governed by the National Environmental Policy Act, it's
important to remember that under NEPA an EIS must be built
upon the twin pillars of demonstration of need and
exploration of alternatives, neither of which has been
satisfactorily accomplished for the test phase much less the
long-term use of the repository.

We have to keep reminding ourselves that if we
open a sloppy WIPP, we are in effect opening dozens or
hundreds of sloppy waste dumps around the nation or the
world because WIPP is supposed to set a precedent.

So NMED is being challenged. The challenge is
to troubleshoot, to be detailed, to think the whole process through to consider in a real way the real problems at WIPP in the future, problems which can arise from human error, from lack of planning, from limitations in the design of the facility, from factors in the hydrology and geology of the region which were not fully characterized by site selection.

I have one more request of NMED. As you take on this daunting and crucial task of writing a good, tough permit, please avail yourselves of the priceless resource of the hardworking intelligent people at the EEG, Environmental Evaluation Group, and at SRIC, Southwest Research and Information Center. These people know an unbelievable amount about WIPP. DOE likes to call people obstructionists and belittle their concerns. The State does not have to take an adversarial stance. People who have been sticking up for the State of New Mexico all along should be valued by the State with a capital S. The technical input of these knowledgeable and dedicated people I think is critical to the practice of getting everything we need into the permit.

If DOE is confident that WIPP can be safely operated, they should have nothing to fear from putting health and safety requirements into the form of a written guarantee to the people of New Mexico, they should have no objection to stringent permit.
If on the other hand DOE only claims that everything is under control at WIPP but can't in fact meet the constraints, then it is the job of the state at this juncture to recognize who will pay the ultimate price for the failure to meet either the test phase or the long-term disposal program at WIPP.

And I would like to thank you for the opportunity to comment prior to the permit being written. It's very unusual because we usually only get to talk about things after they happen. I wish NMED the very best of luck in this difficult process of writing the permit and CCNS and others will be committed to work detailed written commentaries. Thank you.

MR. DUKER: The chair would like to recognize the next speaker, Richard Johnson.

MR. RICHARD JOHNSON: My name is Richard Johnson. I own a business in Santa Fe but I speak to you today as the founder and director of a coalition of businesses in Santa Fe and Northern New Mexico. Our organization is four years old and the membership has nearly 600 businesses right now, and approximately half the size of the Chamber of Commerce in Santa Fe.

The name of the organization is Business Against WIPP. Our signs designated "Another business against WIPP" can be seen all over town and our membership is published

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twice a year in the Santa Fe New Mexican. Businesses are
involved because in Northern New Mexico tourism represents
our economic life blood. Tourism spending is the number one
source of income in Santa Fe County and the number two
source of revenue statewide.

Tourists spend approximately two and a half
billion dollars annually in New Mexico. The New Mexico
Department of Taxation and Revenue estimates that one-fourth
of all gross receipts taxes are paid by non-residents. Our
business community is concerned because we may be killing
the goose that laid the golden egg if we permit DOE to have
this permit.

Just one accident resulting in the release
within our borders could be a severe blow to our very
fragile tourist-based economy. Such an accident would sure
to be covered by the evening news on each of the three
networks as well as CNN and every daily newspaper in the
world as well as every news magazine.

Recent history has shown what accidents with the
release of hazardous materials do to a tourist destination.
It would be impossible to estimate the negative dollar
impact this accident would have on our economy. But the
figure is likely to be somewhere in the hundreds of millions
of dollars.

The State of New Mexico is currently spending
over one-half million dollars annually to promote tourism. What will we have to spend to counter the effects of this much negative publicity and who will pay? I suggest that this permit contain language that addresses compensation to New Mexico for lost tourist revenues in the event of a serious accident.

New Mexico should not be expected to shoulder this burden of risk to our economy. A large share of shaping the nuclear waste policy of our nation will be couched in the language of this RCRA permit. It is the intent of all parties and in the interest of all parties that common sense concerns be met and that we follow a logical sequence of events.

Under terms of the WIPP Land Withdrawal Bill, the test phase is meant to be showing that WIPP can meet EPA Disposal Standards. Currently, however, revised EPA standards have not been written and the DOE's test plan has been shown to be inadequate having been rejected by the EEG, the National Academy of Sciences, and the Scientist Review Panel on WIPP.

If the test DOE plans to conduct the WIPP but not advance understanding of the facility, why even consider a permit. This permit must relate specifically to the test plan yet we don't yet have an approved test plan. Can I have a question answered, is that possible? I would like to
know why DOE is taking up our time and the taxpayers' money when they're not even ready?

MR. DUKER: Department of Energy.

MS. BARATTI-SALLANI: I don't think I want to answer that. It seems a rhetorical question that doesn't deal with the process.

MR. JOHNSON: She said she would not answer it because it's a rhetorical question. Why is NMED being driven by a timetable that sets August 24th as the completion date?

MS. COLLINS: There is no timetable.

MR. GARCIA: I don't think that's quite correct. I mean we are working under a timetable but I think there's an attachment to an August 24th date that has been attached here today that I don't think we're locked into and, perhaps Kathleen wants to direct this as the director for our Division. She can answer questions for you on these issues.

MS. SISNEROS: The August 24th date that has been mentioned several times today, I think is a date that was selected by the Department some time last year when we did an internal review of the time frame we were trying to work out an internal time line picking out specific dates by which we would complete certain actions.

That was strictly an anticipated date and certainly not set in concrete, and if we need more time, we
will use it. That's what we are looking at right now, and
as a matter of fact that's one of the reasons we decided to
have these meetings was so that we could get your input. We
maybe off with respect to the time frames that we had looked
at, so I would like to assure you that there is nothing
magical or you know, that August 24th time frame is
certainly not in concrete.

MR. JOHNSON: Thank you. When you consider this
permit, we must remember who we are dealing with. The DOE
is responsible for massive environmental atrocities and
violations of law at every weapons site in the country.
These are the same people who are caught by the FBI sneaking
around at night dumping hazardous and radioactive waste into
the water supply of Bloomfield, Colorado and burying
radioactive waste in an unpermitted incinerator. These
people are bad news.

It should be obvious that we cannot trust the
DOE. The State of New Mexico must require that the DOE pay
New Mexico to have any kind of inspectors to verify the
contents of waste drums during packaging at INEL and Rocky
Flats. The permit should also require the contents of every
barrel to be analyzed and that statistical averages and
process knowledge not be substituted for direct analysis.

In addition, as you, our determining authority,
New Mexico does not have to accept EPA's contention that
WIPP will not be glued to the environment through migration of groundwater. The State should require the DOE pay for independent monitoring of soil, groundwater in proximity to the WIPP site.

Also, it is important that the State periodically verify that the waste used in this test phase can be retrieved. If the DOE needs to continue to keep waste in the ground at WIPP beyond the five-year test phase that they have applied for, the DOE should need to then reapply to the State and the State should be given the opportunity to evaluate a new permit. The permit should also require DOE to designate where the waste will go at the end of the test phase and the permit period. The waste should be moved outside New Mexico, not left to WIPP, not stored above ground and not taken to the waste handling building.

Considering the geologic instability of the facility, rooms closing faster than expected, walls buckling and four million pound chunks falling from the ceiling, we could go from a test phase to a permanent repository overnight.

And then the permit needs to require the DOE submit a contingency plan for dealing with a collapse of the test rooms. The permit should state that this abnormal closure would result in automatic injunctive relief and
stiff fines.

The citizens of New Mexico have been fighting the DOE over the WIPP issue for over 13 years. We have spoken in large numbers at hearings for the supplemental environmental impact statement, hearings for WIPP route designations, hearings for EPA and no-migration variances. New Mexicans simply do not want WIPP to open until it is proven safe. Largely as a result of the self interest of our senators, Bingaman and Domenici, we will never be given that assurance of safety.

We're looking to you, the New Mexico Environment Department, to see that the best interests of New Mexico and the nation are served in this permitting process. Thank you.

MR. DUKER: The chair would like to recognize the next speaker, Mr. R. F. Shubart. Would you please come up, sir.

MRS. SHUBART: We're Mr. and Mrs. R. F. Shubart. My name is Dorothy Shubart. I'm a retired art teacher from New York. My husband and I came here for my health as many people you have met also have done. I wish to agree with Don Hancock that WIPP is an issue of human health as well as the health of our planet. I worry about future generations that may be affected by this WIPP storage in New Mexico. I would like to protest against WIPP storage of any
kind and the vast accumulations of poisonous materials
nearly insoluble, waste such as plutonium, etcetera, that
are being presently made, and have been made for over fifty
years in my life.

This country has devoted its energies toward
making a nuclear weapons and nuclear energy, making more and
more contaminated waste. I feel this is wrong. I feel the
real answer is to stop making any more poisonous materials
need to be buried somewhere and put our finite energies
and our finite materials to a more humane use.

I feel that our energies should go toward
research for solar, research for wind, natural means of
energy. I feel more energy should be put toward
cohabitation between peoples on this earth rather than
building more nuclear weapons and nuclear plants which
create so many wastes.

This meeting is about the safe storage of these
poisons, and I feel that we should look to the future and
discontinue this way of tendency as an end all answer to
ergy and weapons and stop making these poisons. I feel we
ought to consider that our planet is maybe the only
inhabited and habital one in the universe and that it is
fragile. It deserves better than the bearing of radioactive
waste.

I am totally against anymore nuclear development
which demands burial for its waste. I'm against the using of New Mexico as a dumping ground. Thank you.

MR. SHUBART: My name is Robert Shubart. I first became associated with the nuclear problem in 1945, and was very grateful for the dropping of the first bomb. Our unit was slated to land on the shores of Okinawa in September of 1945. Our particular unit, as I recall, when the member from MacArthur's headquarters came to give us instruction to prepare for the special training we would need to land on the beaches of Japan.

Since I happen to have been an art major, I got the job of preparing the bayonet exercise, which consists of four stuffed masses of straw over which I was instructed to paint four of the most beautiful women I could possibly paint. They were to be of Japanese appearance and the woman was to be naked and she was to carry a baby in her arm and I was to plant a grenade between her naked breasts.

Now when that bomb dropped, believe me. I was very glad, that was my first association with the nuclear. I became much more interested in it later on in my teaching career as an arts and humanities educator and administrator. Particularly in the 1950s, I had happened to have had a class in June of 1954, '55, something like that, classroom and they were preparing for the reaches of an AP course advanced placement course, and that I was responsible
for. And while they were doing, one of their colleagues, in fact I had in the class, I hadn't had the Salud Turin (sic) in that particular class of mine, the valedictorian who's a science math major happened to come through the hall, and asked what the students were doing, and my students said, we're just getting ready for our art history class, for the final exam. And the valedictorian sneered, went down the hall and said, oh, that junk. Oh, that junk.

I soon became acquainted with a project coming out of Harvard University called the Harvard Course Physics. The Harvard Physics course, and the purpose of the special Harvard Physics course was really to bring in the Humanities as a part and parcel of the course. I made very many friends in that experience and we felt, I felt quite a very fine curriculum.

I have since talked with some of the friends about something I read in Science News this past year, and that is that just a news item. That New Mexico is to be the first repository of solid nuclear waste. The general impression of that article is that this is not any kind of experiment, this is to be a final repository of the most solid most dangerous radioactive waste. So I am asking this question of the group here, of everyone, when we first came here in 1972, we weren't aware of it, we purchased our land in Eldorado. We came back in '87 to plan building our home.
and then we came and moved here in 1989.

When we first became associated with and aware of the WIPP issue, my wife's first reaction what are they going to do? My first reaction, it's a mistake because no one would possibly fill the facility, such as this, just for some kind of practice or something like that. This is the real McCoy. And my impression, speaking with my friends particularly John Johnson, one of the foremost Physics instructors in the world, he's head of the Michael Faraday Institute in Upstate New York, he retired from the same school system in New York where I was. He said that's what the impression I got, Bob, and I think this is baloney. These people better look that this is no experiment over here. This is nothing practiced. This is to be the final repository of the worst possible material. Now we are treated to all kinds of ecstasies by our political leaders, our esteemed leaders in both parties. Oh, this stuff was little more than sugar candy. It's a great economic boom to the state yet everything I see this is not true.

The real purpose of the WIPP institution is to provide incentive to the nuclear industry to continue to produce nuclear materials in either weapons or for the power systems. And I would lead this question to the group, is this the truth? Is this the truth? Is this just some sort of experiment or is this really the first major repository

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of nuclear waste of all types, not just rubber gloves and aprons? That's my question. Thank you.

MR. DUKER: The chair would like to recognize
the next person who is signed up to speak which is Mary Lou Cook.

MS. COOK: It feels good to be speaking to my fellow New Mexicans. After many years of testifying before DOE panels, there is a difference. I feel the humanness and concern that I've never felt before. I speak as an elder. The job of the elder is to intervene on behalf of the youngers and the seven generations of those yet unborn. My concern is for the earth and for those of us who inhabit it.

My concern is for the State of New Mexico. I speak to the overview. What is right. What is moral. What is immoral. We are dealing with issues never before faced by mankind. We are told by scientists that geological barrier is greatly dangerous to the earth and its beings, and we also realize sadly that the decision for WIPP is entirely political.

Just because a billion dollars have been spent does not mean it is the solution. WIPP is not inevitable. So here we are today together looking for solutions. I like to think of us as a team as we all love New Mexico and its beauty. Its spirit and its soul run deep. We are its
There is always another way. A subject not mentioned today transmutation for neutralization of nuclear waste. It seems logical that a task force decides the priority of the project be created immediately to deal with solutions for waste management on-site. We are told that it is safer to keep some hazardous nuclear waste where it is for 50 to 100 years, then transporting it to the possible spills. This gives time for research and testing as well as keeping it above ground, making possible monitoring of waste during the years.

It is time to turn around the national confusion, apathy and fear which allow this decision. It is time to address conversion. It is time to listen to one another and without blame look at the present situation and work together for a solution. Civilization faces a momentous decision here in New Mexico. We indeed have the strength to deny this permit in support of our integrity, best interests and love for this state. I personally recommend to you this solution. Thank you.

MR. DUKER: The chair would next like to recognize Nelson Denman. If you would come up here, sir. Is Nelson Denman here? We will go go ahead to the next one. Next speaker who signed up is Bessy Berman.

MS. BERMAN: My name is Bessy Berman. I am a
mother and citizen of New Mexico and I'm feeling a lot of fear and emotion about this. I am not like well prepared for this speech, but I just feel like our state has been sold out by our congressmen and just spent a million dollars for this project doesn't mean that we need to spend another billion to make it happen when it's not right. And I feel this term of mixed waste is very dangerous. All the things that have been said have been very good so far. I feel like I'm a spiritual being and this is spiritually wrong for our planet and for the people who love this state.

I just feel like I don't trust this government and that we should be the first leaders of this state to say no and to do something else because if it's not this state, they'll try and do it another state it might help other states say no. And we have the state's rights to do that, that we should enforce that state right. And it's to our children and future generations that we have it, and that's all I want to say. Thank you.

MR. DUKER: Has Nelson Denman come into the room by chance, who is a scheduled speaker? I think we need to take a break. We will reconvene slightly after 2:00. The next scheduled speaker after that is Jean Nichols at 2:10, so let's all take a quick break.

(WHEREUPON, a recess taken.)

MR. DUKER: Ladies and gentlemen, we're going to
reconvene here. Is the gentleman, Nelson Denman, in the
audience.

MR. DENMAN: To the DOE and New Mexico
Environmental Department members, thank you for being here
and to listening to those of us who were able to take time
out of our work day to address you.

The plutonium waste that is slated to be
transported from around the country and also from sites here
in New Mexico is the most deadly radioactive waste known to
human kind. You, as our government officials are being
charged with the oversight handling and storage of these
tons of waste. Any transport of these materials threatens
the health and safety of all citizens.

In collapsing of walls or bring seepage
threatens the health and safety of all. I urge you on
behalf of present and future generations to guard this with
your life. We the people will hold you morally, socially
and legally responsible. Thank you.

MR. DUKER: Thank you very much, Mr. Denman. I
would like to recognize Jean Nichols.

MS. NICHOLS: I feel somewhat unprepared to
speak today so bear with me, but I feel even more unprepared
to have WIPP open. Bush said during his campaign this time
it's all right to make a mistake, just admit it and get on
with the business at hand. It doesn't matter how much money
has already been sunk into WIPP, the money was jobs and contracts and the various step of the economy that keeps it going on. The only trouble is that it's been moving in a very dangerous direction. Let's just admit that it's a mistake and decide it's not too late to keep WIPP from opening.

The space could be used surely for another purpose, and at the very least we could determine that it is too early to open WIPP, that we need to have much more time and energy in coming up with a better solution. There are countless nuclear scientists out of work in the Soviet Union right now. A global task force of scientists could work on the problem of neutralizing nuclear waste. Citizens of the world are owed at least a concerted effort by those who worked so hard to split the atom. The task was to harness nuclear energy and that task has not been completed. It is not harnessed until all of its effects and by products are under control.

Nuclear reactions, by its very nature, this may be impossible. If this is true, then we should abandon the pursuit of nuclear power. However, this country is not apt to believe that something is impossible. People said it was impossible to put a man on the moon, but with the government will and funding, it was done. I would suggest that there be a ten-year test phase utilizing whatever resources are
available globally to come up with a safe solution to
neutralizing nuclear waste not barrelling it into the
ground.

Perhaps raw uranium could be put back in the
ground in the uranium mine and sealed up because it’s a
natural element of the earth, but plutonium is man made and
I think it’s a dreadful mistake to bury it under the
ground.

For the next ten years we could store plutonium
and other man made nuclear material in TRUPAC containers
above ground where they could be properly monitored. They
could be kept at each facility where they have been made as
a monument to the care that we need to take of the earth and
our future. If there is too much to build a simple
sculpture out of cannisters, then line them up around a
building to make a security fence. I doubt if anybody will
climb over them.

Westinghouse tells us that TRUPAC containers are
safe to travel down the highway, so they should be safe
enough to stay in one place and store waste for only ten
years. If any leaks appear, we will know and be able to
deal with them individually, not as some Pandora’s box that
creeps or seeps up on us and then cannot be contained. This
plan would also allow for the contracts to continue.

Westinghouse could make its millions making more TRUPAC
containers instead of running WIPP. The truckers could have their jobs transporting empty containers to Los Alamos, Rocky Flats, Savanna River and Hanford, etcetera, and everywhere there could be lots of jobs created cleaning up the mess that we’ve created and seeking the same solution.

As for the people of Carlsbad, they could turn WIPP into some other money-generating project. Perhaps a laboratory to study the potential of salt beds, to preserve the best of our country not the worst. Perhaps it could be converted into an underground laboratory to study and find the cure for AIDS and therefore make a step toward solving two awesome problems in one legislation.

In any case, how can we as a state and more than just the political boundaries as the Land of Enchantment, sell our state of health for 600 million dollars? That’s only 20 million dollars a year into political pockets, and for this we will risk losing at least that much in real estate, tourism money and investment in capital as we silently shift from being the hot travel spot to being the hot sacrificial lambs.

In conclusion, please take your time with this permit process and do the best you can, and hopefully deny all and any permits that would allow WIPP to open. Before it’s too late, let’s admit this was a mistake in judgment and dedicate our state to helping find the real solution to
MR. DUKER: The next scheduled speaker I would like to recognize up here is Katherine Lage.

MS. LAGE: In 1945 the United States dropped the Atomic Bomb and dropped it on Japan from thousands of feet. Rather than apologize, we dropped another bomb on Japan and then we spent the next four decades building ever bigger and more deadly weapons. The legacy of this disgraceful behavior is untold problems of highly toxic waste. Obviously the folks who had created weapons into thousands of people at once will have little respect for human life. They will have little concern for the innocent victims of radiation poisoning caused by their far fetched scheme for waste disposal, WIPP.

Just because Westinghouse Corporation has squandered over a billion of our tax dollars to build with, doesn’t mean it’s a good plan. The idea of transporting this deadly waste all across the country and then burying it in a hole in the ground where it will poison the surrounding water is shocking in its stupidity.

Our senators Domenici and Bingaman have betrayed us with the passage of the Land Withdrawal Bill. Apparently, the province of Westinghouse and G.E. are more important to them than the health and safety of their constituents. We now look to you to write a permit that has
strong safeguards for the people of New Mexico. The DOE is
not to be trusted and there should be strong oversight of
their actions every inch of the way.

Any accidents involving waste will cause cancer,
leukemia and genetic mutations and the people in this state
deserve protection.

Finally, if there is an option of not granting
this permit, I think it should be strongly considered.
Thank you.

MR. DUKER: Next speaker who should be scheduled
here and if she’s in the building right now is Linda Hibbs.
As I say we’re running a little bit ahead of ourselves.

If you want to state your name and who you
represent.

MS. HALL: My name is Mary Hall, Mary G. P.
Hall. I just came in and I don’t know what’s happened
before, so I apologize if I repeat things that were said. I
should like to know who is the representative from the DOE
here?

MR. DUKER: Right over here.

MS. HALL: Can we ask questions?

MS. BARATTI-SALLANI: If they pertain to the
permitting process.

MS. HALL: I think that this question is
probably fairly generic. What I should like to know is why
when the Sandia Laboratory and the National Academy of Sciences has said there is no scientific work in pursuing the experiments in this permit at the site and that they would be much better off done in a laboratory. Now, my husband is a nuclear engineer who spent 25 years at Los Alamos working with things nuclear, and he wrote to the DOE and expressed the viewpoint which I think is shown by what I've just said, and he never had, he wrote a very good letter and he also spoke a couple of times at the various hearings that we had here, and he never had a response. He put his qualifications after his name so that you could see that it wasn't somebody who was speaking from a lack of knowledge, but he never had an answer, and the juggernaut seems to roll on. Therefore he made me this shirt which I think is very nice. It says "WIPP, The Ultimate Shaft" and as somebody said when I just came in, we have been betrayed by our senators, I truly believe that there's a lot of politics going on.

I do not feel qualified to speak to technical aspects although I too have been fighting in this fight for a long long time in another state, but I think that we are owed some answers to these kinds of things.

I have a second question which may have already been asked, and that is when our president elect Bill Clinton has said that all waste matters should be put on
hold until this task force has sat, why are we going ahead
with this when the population of New Mexico is, as I can see
it from the polls I have read, from the people I have talked
to, except for a few people whose livelihood is connected
somehow to the WIPP project, no one wants it. And I just
feel that the people are not being heard, and so thank you
for hearing me out and this is really what I have to say.

MS. BARATTI-SALLANI: Mrs. Hall, could you tell
me where your husband sent his letter? Did he send it to
the WIPP project itself?

MS. HALL: No, at one of the hearings, he sent
it to the address that was given, and I believe it may have
been put into the minutes of one of the meetings. I don’t
remember. We’ve been in this for such a long time that and
I can’t tell one hearing from the other in my memory.

MS. BARATTI-SALLANI: That’s all right. I
thought if it had been sent directly to the project I would
try and find it and get an answer.

MS. HALL: Thank you but I would be glad if it
would be put in and somebody did answer it.

MR. DENMAN: Ms. Hall, could the DOE woman
answer your questions, would that be possible?

MS. HALL: Would you be able to answer these
questions?

MS. BARATTI-SALLANI: I can’t answer all the
technical aspects of it. I'm not a technical person, I'm
public affairs officer.

MS. HALL: I understand that.

MS. BARATTI-SALLANI: I would be certainly happy
to look for your husband's letter and try to get an answer.

MS. HALL: He has a different name from mine.

His name is Hugh K. Jennings.

MR. DUKER: Thank you very much.

MS. HALL: I don't think I have had an answer to
my Clinton question. Maybe some of you in our own state
department know the answer to that. I would be glad to hear
it from anyone.

MR. DUKER: As we mentioned here earlier, this
is part of the technical review of the permit application
process and it's proceeding as according to regulations and
so forth that have occurred and that would be something in
the future.

MS. HALL: I appreciate that your tied to this
format and I think that's one of the things that we object
to is that we have been forced to play these elaborate games
and we have not really had an answer to any of our questions
when we have had technical people, and we have had a lot of
technical people who have spoken and very very sincerely,
but I'm tired of the games. I'm tired of the whole Bush
Reagan kind of atmosphere. We're in a new atmosphere and I
And then please in terms of your analysis, in terms of your study, include all of the WIPP site. Including waste handling building and specify the limits of the time that the waste can be allowed in this building or in any of the above-ground areas. And lastly in terms of specific points, there is disagreement about DOE's contention that the roof will not fall in during the test phase. They're saying this is not a credible event. I would like the DOE to submit a contingency plan dealing with an abnormal closure for collapse if the test rooms do collapse during this period.

So in closing, I just wanted to depart for a moment and say that I think the time frame of responsibility has changed so dramatically in terms of our having these substances to deal with. We have produced them in a period of 50 years and someone has said recently to me that it will probably take 500 years to appropriately clean up what we have done in 50, and I wanted for all of us to sort of stretch our imagination because I think that’s what it takes to think about having hazardous materials that will remain toxic for the length of time that we’re talking about, about 250 thousand years, so just in closing I wanted to say to imagine a little girl coming up to us and saying in a time twilight zone, that she was a descendant of you and of me 500 years down the road, and if there are like three
generations to a century this would be say my great, great, great, great, great, great, great, great, granddaughter, and so she was able to ask me questions and she might say "Is it true that your civilization during the second half of the 20th century created a series of weapons that could destroy the whole world, and in the course of doing this even after there was no threat of enemy, managed to exhaust our financial resources and also make many many people sick?"

And so I would attempt to answer that question and then she might say "Well, what did you do about this?"

And I would again try to answer that question, and then she turns and says to each of us in terms of what we try to do to enlarge our sense of responsibility in terms of what we are attempting to do together right now to deal with these wastes that we have created, she turns and says to you or to me "Thank you" and steps away.

So I just would like to end saying that any one of you could become very exhausted by this process and maintain standards at the state and federal level, please think of that little girl winking at you and saying thank you. Thank you very much.

MR. DUKER: We would like to recognize Frank C. Martinez from San Ildefonso Pueblo.

MR. MARTINEZ: Good Afternoon, my name is Frank
C. Martinez from the San Ildefonso Pueblo. I am a tribal member and I come from the Governor's Office. I am a concerned citizen from San Ildefonso as being against WIPP and transporting of radioactive material on all highways, more so routes on our reservation.

San Ildefonso Pueblo has been opposed to the WIPP project. We are just down the hill from Los Alamos. We were never approached by DOE to advise the pueblo members of transporting nuclear waste through our reservation. I am talking about existing highways. The pueblo has been silent all these years but you will be hearing more from the tribal members.

We have been involved with the study group from, to name a few, DOE, New Mexico State Highway and alternate routes. Los Alamos, White Rock to Santa Fe. These routes we were told was to be used to evaluate Los Alamos residents, a quick get away and also to transport nuclear waste material.

One thing I can tell you, San Ildefonso residents will never move. This is our home. We are not like the scientists. They will move on after they contaminate our lands. You know and I know the federal government will not stop here. We are behind the citizens of New Mexico to stop this, the transporting of nuclear waste to the WIPP site. Thank you.
MR. DUKER: Is Betty Platts here from the Santa Fe County Commission?

MS. PLATTS: My name is Betty Platts. I'm currently Chairman of the Santa Fe Board of County Commissioners and I represent District 5, which is particularly concerned about this whole issue because it takes in the northern entry from I-25 and 285 going from the intersection of I-25 in the direction of Clines Corners. The majority of the people in my district live within these corridors.

We have a resolution that the county passed in 1989 which expresses concerns of the county in relation to WIPP, and while I recognize that these hearings today have to do with a temporary phase, many of the questions that we have remain the same and I would like to address these to you.

Let me quote just very briefly. In recognition of the attendant risks involved in the transportation of radioactive material, the Department of Energy is obligated to improve the health and safety of the waste isolation pilot plants on site and off site as specified in federal regulations in agreement with federal agencies in agreement with the State of New Mexico.

Whereas, it is the understanding of this body that many measures are necessary for the safety, health and
welfare of the general public have not yet been completed.
The county of Santa Fe and the Public Safety Board recognize
their responsibility to protect the public health, to
protect the health and safety and also the Department of
Energy's responsibility to insure the safe transportation
and disposal of nuclear waste.

U.S. Highway 285 to Lamy is a congested road
with non-restricted access and intersection with state road
451 and numerous driveways. It is inadequate for the safe
transportation of hazardous wastes. I'm sure that your body
has a copy of these because we've given them many times, but
some of the questions that I would like to ask in relation
to all of this is some of these containers are, according to
my understanding, have been awaiting disposal since 1970.

I would like to know if they will be inspected
and analyzed before they are transported, water safety
specs, will inspectors verify the content. Is there
adequate funding for this aspect of the testing? Is there a
contingency plan and how will that material be handled?
Will it come in the same type of containers when they're
transported to the WIPP site as they were planned for future
removal? Will they travel on approved routes and be closely
monitored? We are particularly interested in Santa Fe
County and about how these test materials will be taken to
the WIPP site and what precautions will be taken to insure
the safety of the residents of Santa Fe County.

Many of our concerns are just as applicable to this phase as to a permanent phase and we ask that the concerns affecting Santa Fe County be addressed as part of your total consideration. Thank you.

MR. DUKER: Just to go back to what we said at the very beginning of these meetings. All of these comments, as you know, are being recorded. We're also registering in written material and one of the things that we will do is respond within 30 days. This will be in the form of an executive summary, I understand, so I just want to reiterate that for those of you who may have come in late.

Some questions we may not be able to address specifically right here today but you will receive a reply on it.

If the next person who's signed up to speak is present, we will go forward with that and I believe this is Dominique, and I'm not sure how to pronounce, is it Mazeaud?

MS. MAZEAUD: Ladies and gentlemen, in 1989 I became an American citizen. Why? Because of WIPP. Because I wanted to be able to speak at all the hearings concerning WIPP and express my strong opposition against a proposed waste isolation pilot project. I also wanted to vote for
representatives who would defend my interest and interests of my fellow New Mexicans.

I'm still opposed to opening the WIPP site, but since we have come to another phase of this long struggle and are discussing the permit application today, I will offer some comments which I feel if really paid attention to will further delay the opening of the site for the test phase and more and more will cause our government to admit that this good idea called WIPP is to be forgotten once and for all.

It's in 1988 that I started to follow this issue and I quickly noticed the casual attitude of both the EPA and the DOE in dealing with it, especially in issuing regulations. I am begging my state government of being extra cautious in asking for clarifications. Knowing what is involved, this is so much, there is so much at stake for the future of our state and because the possible poisoning doesn't pay attention to borders, this state involves the nation and the world.

In some of the documents I have read, I see multiple references to process knowledge, statistical averages, stamping methods without much further explanations. This is not sufficient. Can our state trust these vague statements? I beg you to ask and ask again for clarifications until there is not a single doubt that
everybody possible handle the DOE has snaked in to get out of their responsibility be covered. I want to reiterate my concern about the assembling methods as what I have learned is not satisfactory at all.

When you deal with such hazardous materials, a random sampling is not sufficient. We really need to know what is in these barrels. When we know that one of the hazardous waste is extremely vulnerable and dangerous materials we don’t want to imagine what would happen if mixed with plutonium, the ultimate and most likely burnable and explosive material. Please, State of New Mexico, insure that there is a method that samples every barrel. Also, I would like to ask my state to request that our own staff be allowed to carry out inspection at Rocky Flats and in Idaho before anything is shipped to WIPP.

Needless to say I would like to ask my state to estimate a relevant cost for the services so that they be fully covered. Another concern of mine is the health hazards of the people who will carry out the preliminary testing. The state and DOE should come to some precise agreements on these points.

In parenthesis (I would like to ask you to give its constituents full assurances on the qualifications of the people involved in this phase of the permit review as well as the ones who will be doing the monitoring.) This is
the end of my parenthesis.

In the eventuality that the test phase will be carried, the State of New Mexico must be absolutely certain that no waste be allowed except from Idaho and Rocky Flats. But more than anything, my question is why these tests must be carried out in New Mexico? DOE describes their testing intentions, as I understand it, doing a driving test and then a weapon test pouring some brine in the bin, and then another one where the bin would be saturated and then all of this would be monitored. What in the world then does DOE want to transport these hazardous materials 800 miles from Colorado and 1500 miles from Idaho and assume nothing would happen. Besides, all the work that has been done in the WIPP site i.e. bolting the roof and shielding above the areas to contain the bins filled with the hazardous waste signifies that there is no guarantee, no huge chunk of earth would still fall. Why could not all this testing be done at Rocky Flats above ground?

Another concern is the emergency response plan. I don’t trust what is proposed. Our New Mexico representatives should require great details on how exactly the proposed dry runs will be carried out and make sure that they are reported fully. They should happen before anything is brought inside the WIPP site, and many of them should be run, not just one time when one knows all the possible areas
that can occur in any given situation.

Finally, should this ever happen five years is the limit of the permit. State of New Mexico, do not allow an extra day. Also, let's insist that DOE identify an interim site. This, I think, should be of crucial concern to DOE but it has not been addressed yet as I understand.

To conclude, I would like to say that the State of New Mexico, even though it is on the bottom of our economy hole and therefore treated as a third world country by our government, is being watched by the world.

I just returned from Japan where everyone I spoke to from Mrs. Dimoto (sic) a Member of the House of Counselors, the Japanese Congress, to religious leaders, to environmental activists who themselves are fighting for plutonium free future, to the woman I met on the train.

Everyone knew Santa Fe, New Mexico is being watched as it is. The enthusiasm, the care, the efficiency demonstrated by our state government can only be in its interest. I also think that our state government should be aware in every step it takes and every dollar it spends. It is not only the interest and benefits of the state which is at hand but also the interests and the benefit of the world. Thank you.

MR. DUKER: Since we are running just a little bit ahead here, there's a person here who has a tight
schedule and can't come back and we'd like for her to make a presentation so we're going to put her in at this point because we have plenty of time for the scheduled speakers. This is Debbie Jaramillo. If you would like to come up here.

MS. JARAMILLO: My name is Debbie Jaramillo and I'm here in a semi quasi judicial manner. I will speak as an elected official City Councilor for the City of Santa Fe as well as a citizen.

I have prepared a statement that I would like to go into the record and I thank you for accommodating my schedule today.

New Mexico is perceived around the world as a clean and unspoiled place. The name Carlsbad once was linked in people's minds with the seven wonders of the world. But Carlsbad today identifies the home of the Waste Isolation Pilot Project which is short joining the list of seven horrors. Are we ready for this to happen to New Mexico? We spent millions nuturing its image around the world as a place synonymous with chique style, distinctive dress and furniture, exiting native food, and as a center of health and spirituality.

Are we ready for it to become linked in the world aligned with nuclear contamination? Are we ready to accept the human costs that will result? Are we prepared

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for the economic costs? Are we ready to abandon the
millions in tourism based on the infrastructure we've so
carefully built and nurtured? An infrastructure that
supports the largest private industry in the entire state?
New Mexico had long been the nation's nuclear sacrifice
zone. We have long been treated as if the people of New
Mexico are expendable. We're the guinea pigs of the
future.

Well, I think we've sacrificed enough. The
first atomic bomb was detonated right here. The defense
facilities are time bombs waiting to go off. There is
plutonium in our water. There are poisonous tailings, piled
left abandoned. Los Alamos has poisoned our air, our land
and our water for generations to come, and now the federal
government and our state officials want to bring 34,000
truckloads of nuclear garbage through New Mexico over the
next 25 years and most of it will travel through Santa Fe
County.

The plan to ship countless barrels of nuclear
waste through New Mexico is nothing more than a high stakes
game of radioactive roulette. Like a deadly game of guns
with its ever shifting odds, you may be lucky playing with
nuclear waste once. You may be lucky twice, but ultimately
someone is going to get hurt and accidents are going to
happen.
The Department of Energy predicts 12 truck accidents in 25 years based on outdated 1977 transportation figures. But it fails to consider the role that human error is bound to play. Faulty maintenance on a truck for example. A damaged o-ring gone unnoticed. TRUPAC's improperly fastened down or a drunk or drug driver. New Mexico's two-lane rural roads particularly and under a slick cover of ice and snow are wholly inadequate for this sort of transport. The planned bypasses, which aren't bypasses at all and which will bring deadly shipments past home businesses and school are wholly inadequate.

Consider that New Mexico leads the nation in drunk driving statistics, and you have a virtual time bomb looking for a fuse. And consider that the safety of transportation is not even being addressed in the permit process. WIPP is fundamentally a dangerous government experiment and we're being asked to be the guinea pigs. The federal government betrayed us when they initiated this insane plan. They offered it to 13 other states and when they all said no, they told New Mexico it had been chosen and had only the right to concur.

Jeff Bingaman, as Attorney General, knew this and he went along with it. Bruce King as Governor back in those years knew we were getting a bad deal and he went along with it too. Our congressional delegation has
betrayed our most serious health and safety concerns. Governor King continues to ignore the pleas of our people for responsible action regarding WIPP.

We must have transportation safety addressed in the permit process. We must have the deteriorating condition of the WIPP facility addressed in the permit process. We must have a contingency plan stipulating where the waste will be taken if it has to be retrieved from WIPP. We must make our permit contingent on the proof that this project can guarantee the safety of citizens for the thousands of years it will take for this waste to decontaminate. Unfortunately, we have no control over the federal government, but we should have some control over what happens on the state level. We need to demand of the state one lives up to its responsibilities to the health and safety of its people, that it lives up to its responsibility to protect our economic well-being and that it lives up to its responsibility to insure a positive future for the generations to come. Thank you very much for the opportunity.

MR. DUKER: If Dolores Pierson is in the room.

If you would like to come on up. Thank you very much.

MS. PIERSON: I am Dolores Pierson. I am a retired college professor and administrator of a department of Physiological and Biological scientists. A number of
people have asked about the waste which may have to be removed under certain circumstances, and they question it to what location. I have not seen anyone mention even a possible location yet and I think that is very important to determine ahead of time.

If there are other places that this can be taken to, it seems to imply that there are other places that may be safer than the salt deposits near Carlsbad. And if there are such locations, why not identify them now and avoid the whole business of maybe having to move them out of salt beds into some other location.

I would also like to emphasize the instability of the salt beds themselves. This is already evident of the people who have been working there. Salt is about the least stable material that I can think of for such deposits, and other countries who are having to store waste are looking for granite beds, which is the most stable material that we have.

Consider also the geological changes that take place in the long run. Anybody who knows anything about the geological history of this area knows that this area has been inundated by shallow seas more than once in the last few thousands and millions of years, and there is a good possibility this will occur again, especially since we are probably facing a warming of the earth and this means a
melting of the polar ice caps. And it wouldn’t take a great
rise in the sea level in order to inundate this area once
again.

Salt is extremely solid and it would not remain
a solid very long if this happened. And we should also
consider the fact what we are planning to store there is
something that will have a radioactive half life of some
24,400 years.

I would like to tell you something about an
experience that the Russians have had with storing
radioactive waste. This is something that’s been pretty
much of a secret all along because the whole business of
radioactive research and use has been undercover of
secrecy.

The Russians produced a waste storage place
which exploded in 1957, and it is now being admitted by
people, since Russia is more open about these things now.
Yeltsin has admitted that this has happened, that there were
400,000 people affected and that this was four times worse
than the Chernobyl accident, and that there are 400 square
miles that are devastated and the site is no longer on the
map. It might be helpful to try to communicate with
scientists in Russia to find out what might have caused this
accident. It might be very helpful for us to get some
information if that is available.
The steel drums that are supposed to be
transporting and storing this material have recently been
called too thin for the contents so there have been a number
of people asking about the nature of these drums. There is
some question about whether they are adequate.

What exactly is in the drums is something a lot
of people have been asking. Well, the people who have
worked with this generally cannot tell you. Many of them
are not labeled. Many of them are inadequately labeled.
There are in many of them such a miscellaneous assortment of
materials that they have never been listed. And so while we
have questions about this, I think it's a question that
cannot be answered.

It would be possible to enclose the waste in
either glass or ceramic. That approach would at least
prevent the radioactive substances from affecting our
groundwater. If anything like this were done, it could be
done on the site at which the radioactive material is right
now and it would be better enclosed than any other thing
that we have thought of so far.

I think this pretty much covers the main points
that I wanted to make.

MR. DUKER: Thank you very much. The next
scheduled speaker, if he's here, is Bill Doyle. Are you
here, sir?
MR. DOYLE: Yes. I think one of the most useful things that the committee can do in their visit here, is to just get some notion of the mood that exists in this community and indeed in the State of New Mexico. It's the mood of people who have been forced to confront for a long time what the rest of the nation really doesn't look at so squarely and so you are dealing here with people who have overwhelmingly become convinced that there's a kind of intellectual fraud going on, that the question of nuclear safety, given the existing technology, is simply an oxymoron.

It's not going to take place. Safety is not going to account. Taking care is where we're at. And as we have been forced to learn because the garbage is going to be dumped in our yard, and I must admit to a personal sense of the deepest frustration about this.

I moved to New Mexico from Los Angeles when I retired so that I could breath air, and now we're getting to the place where hazards undreamed of in Los Angeles are being threatened here. This sense of outrage is general for people who have had the experience that people from outside New Mexico can't possibly have had. We are aware of the fact that the nation is in the process is making a decision which is treating us in a third world way, it's people who don't really count very much to those people who are able to
make power, because it's a matter of politics that we're talking about.

That's why our local politicians have been speaking to you so vigorously and so bitterly about what is being promised to us, because they do represent us. We're a fairly small community and we know them. They know us, they know our concerns, they share them because their children will share them also.

The power problem is just way up against us. We have five electoral votes. People with two or three, the areas with 200 or 300 electoral votes are very relieved. They know they've got poison on their premises and they're generating more and isn't it nice to think they can be dumped somewhere else. People with only five electoral votes are not in a very powerful position. So that's why we protest. We protest loudly, bitterly. We hope, you know, with the forum understanding but from any people in the country it's a general question. For us it's extremely personal. We're the ones who are violated. Our lives, our investments are threatened, and as Frederick Dougas said a long time ago, one outrage must be won to make the outcry. So we shout not just with logic and with understanding on such scientific information as we have, but with the emotional insistence of people whose lives are being violated by national decisions taken by people who are not
sensitive to what we are experiencing and what we foreshadow in the future.

And so we do cry out to you, and not only to you. These hearings are being used and must be used for us to speak to our neighbors, to ask all of our leaders to join with us in this so that we can let the rest of the country help to learn what we have already learned, that there is no safety. And so let me recall you for a moment or two to your mission.

I suggest that you make the issue and the question of safety far too narrow. It’s not primarily a question in physics and geology. The poison that we’re all concerned with didn’t start out there. It started in here and this is where we have to build our defenses, not just among a couple of million New Mexicans but among the millions and millions of Americans who must also be made to understand that there isn’t any genuine defense that can make us safe.

The only defense against the terrors and the horrors that are in prospect are for a genuine awareness, not just in New Mexico because New Mexicans have been forced to confront this and look at the evidence and found that people who promised us a three-mile island and Chernobyl are safe are on no sounder ground here than they were in those atrocities. So we do confront atrocity. And people
everywhere should resist atrocity and will if they know it’s an atrocity but if just a few people that everybody’s throwing this garbage on is a outrage, it’s a scandal. We have to protest against it and that’s why we must never move it from it where it is.

Everybody who is threatened must know they are threatened and so if all the poisonous areas that we have generated and continue to generate in this country, this poisonous material must be kept there with signs around it, with arrows around it, five miles away is danger - don’t go that way. Bring your children there. Take school buses around where they can’t go. Let them know they can’t go there for 50 or 100,000 years.

We have to buildup in the conscience of the American people that they’re riding the tide, that they can’t get off the saddle. But this is what we must do is to keep it where it is and if you are true to your mission of trying to figure out how to gain what safety we can within this peril, then you’ll stop this nonsense of trying to figure out what the technologists tell us will make it safe in New Mexico. It’s not safe anywhere. Keep it everywhere and keep everywhere consistently informed of what those dangers are. Thank you.

MR. DUKER: Is Elliott Skinner in the audience here.
MR. SKINNER: Yes, sir.

MR. DUKER: We can get you in here before we take a break for the next one.

MR. SKINNER: My name is Elliott Skinner. I'm a citizen of Santa Fe, New Mexico. I appreciate very much letting me slip in here on my way to work. I just wanted to make one request for your report.

I would like to request that you state in your report your method of decision making. There are many models of decision making as you no doubt know. There are a number of books in this area. It's a whole field of study. I think it's very important that you not only give us your conclusions but you give us how it was that you arrived at these conclusions.

For the questions I have specifically for you to address is how are you weighing utility against risk? How do you evaluate the risk presented by a substance with a half life of 24,000 years? How do you weigh the probability of accident against the consequences of accident? More specifically and more technically, how do you make use of the minimum and maximum models of assigning risk and probability.

You cannot use the hunch and gosh method of decision making. Your report must contain an explicit accounting of how you reached the decisions so that we can
see and evaluate for ourselves the consequences and what
lies behind what you have come to. I recognize the
difficulty you’re faced with. It’s a tremendous difficulty,
but I think it’s important that we get not just what’s known
unfortunately in our culture as the bottom line. Thank you
very much.

MR. DUKER: Okay, we’re going to take a break
here for approximately the next 20 to 25 minutes and give
everybody a chance to stretch their legs and enjoy the late
afternoon weather out there. We will be back here in 20 to
25 minutes. Thank you.

(WHEREUPON, a recess taken.)

MR. DUKER: Ladies and gentlemen of the jury we
would like to reconvene here. I would just like very
quickly to go over something I alluded to in my opening
statement. This particular meeting is not a hearing. It is
a public information meeting that is not required but the
New Mexico Environment Department Secretary, Judith
Espinosa, felt it would be very valuable in this particular
phase for us to have public information meetings prior to
all that work that we’re going through in the technical
reviews to get your input, but I do want to call your
attention to the fact that what we are going through right
now is a technical review of the permit application process
for the test phase at WIPP.
And while I know a lot of you have a lot of comments, the intent is to get your input on this particular portion of it before we go any further with it. And again I do appreciate the people who have taken the time to come here and make comments. At this particular time continuing on with people who have signed up to make presentations is --

UNIDENTIFIED SPEAKER: I'd like to ask a question. As this is a public information hearing, is there someone to answer questions?

MR. DUKER: If it's pertaining to this particular phase which is the permit application phase for the test phase. There are and could be questions that we do not have people here that can answer that might not relate to that. There also may be things as we are just early in the process, have not gone that far yet, but again part of the process of recording these and taking written information as well is to reply back to you.

UNIDENTIFIED SPEAKER: Is there someone here with technical knowledge?

MR. DUKER: In some particular areas, in others no. This is not encompassing everything to do with this. It's just one particular phase of it. At a later date after all this has gone further, it is anticipated that there will be public hearings on this and this may again involve some
other things that could be necessarily addressed. The last thing on earth we would want to do is try and give you information that we're not technically proficient in because that would be a disservice to you. So that's the original intent of this was to solicit information on this one particular process.

UNIDENTIFIED SPEAKER: Thank you.

MR. DUKER: Is Joni Arends here?

MS. ARENDS: Good afternoon, ladies and gentlemen. I am speaking today as a citizen of Santa Fe or citizen and a citizen of New Mexico, and one of my concerns is about the rooms. So one of my concerns is that on June 1st I went on a tour of the WIPP site and it was a very curious thing because when we went into the rooms where they were going to do the experiment, they had all the wires put up along the wall and the electrical connections and all of those kinds of things for the experiment. And it was curious because there was a woman there who was testing the cracks in the ceiling. The ceiling had been wired, I don't know the technical term, but there were holes that were drilled in to test where the cracks were in the ceiling.

And from what I understand, the process has been is that there has been a roof fall or that was maybe ten feet thick slab of salt. So then they put in 12 foot bolts and the next piece of slab that fell was 13 feet. So now
they put 16 foot bolts. And there's a real concern on my part -- let me just backup. I'm a little bit nervous.

So this woman had a pole that was maybe four feet long and it had a nail that stuck out perpendicular to the pole, and what she would do, she pushed the pole up and then put another extension on that that was four feet long and kept pushing it up in the hole to test where the cracks were. And the scientific equipment that she was using was to pull the pole up and down to feel the cracks and with the nail and then measuring it how far it was on the measurements on her steel pole, where the cracks were.

And it ties into the need for the experiments there, the need for the special equipment, and I'm kind of wondering if this pole with the nail in it that measures where the cracks are that they do every month, is that part of the special equipment that DOE needs in order to do these experiments at the WIPP site.

So that's one specific example, and I don't know if I conveyed it clearly and if you have any questions ask me, but my concern is that if the experiments are happening in the WIPP site and they're going to take seven years and six months, six years 11 months 29 days there is a fall of a slab that is bigger than the rock bolts they have put in there, you know, what good is having the experiments in this type of site that has specifically been selected for those
qualities that the salt will move to keep the waste isolated
to do the experiments in that kind of situation where it is
hazardous that the roof can fall in these rooms.

The experiments would go to waste if that
scenario happened and I think that somebody else mentioned a
worse case scenario, and I would include that in your, that
kind of scenario in your process of writing the permit if
you got that all right.

Okay, then my other concern is with regard to
the synergistic effects of the chemicals that are in the
waste dump.

Now, plutonium has been around for 50 years and
I understand that you can’t talk about the plutonium. My
concern is that plutonium has been around 50 years and we
think that we can estimate that we can predict what it’s
going to do in the next 24,000 years.

So if you take a ratio of 50 years to 240,000
years, you get .002 percent of what we know about plutonium,
we know today. So I’m concerned about what happens with the
plutonium with the lead and the mercury and the TCE and
those other chemicals over this life of this project when we
only know .002 percent about the radioactive constituents.
And I don’t know how you can write a permit based on the
hazardous portion of the chemicals that are going to be at
WIPP without acknowledging the problems affecting the
radioactive portion of it.

And I realize that the guidelines are that, say that you can't address the radioactive portion but I don't understand how the Environment Department can protect our health and safety if you can't look at both of them and the synergistic effects, because as far as I understand, there aren't studies currently being run or perhaps they are talking about the synergistic effects of lead and mercury and all the different chemicals involved in the WIPP project.

Another point that I would like to make is just about time itself. And I had been giving a lot of thought to time and I wondered how we can, the reason that I'm thinking about time is because we have EPA time tables, we have DOE time tables, we've got Environment Department time tables. We've got the time tables of the decomposition of the plutonium. We've got the decomposition of the lead. We've got the decomposition of the organic materials that create the gaps.

We have all these things that are happening in this natural process and I realize that time is not an element within the requirements for the permit, but what I would like to do is go around and ask you how you feel about time and what your concept of time is in order to get an idea of your perspective on where you're coming from in
terms of writing the permit, if that’s possible if anybody
is open to talking about that. Because I think that when we
get in these places of thinking about time and thinking that
oh, we have this deadline because the Department says that
we have to finish this by such and such a time, there’s a
pressure that gets put on in terms of getting something
done, so if anybody wants to talk about that, I would really
like to hear your position on what time is.

MS. COLLINS: Can you restate your question in a
little more direct way?. I will attempt to answer it.

MS. ARENDS: Okay. I’m just concerned about what
your concept of time is.

MS. COLLINS: As far as the permitting process?

MS. ARENDS: Sure.

MS. COLLINS: As far as the beginning, middle or
completion, or are you looking at specifics about are we
driven by a time line? What we are driven by is to do an
adequate and better than adequate technical review, and we
addressed the technical issues in the application.

MR. GARCIA: Let me interrupt. Joni, are you
really thinking of long-term storage or disposal at a site
versus the short term use that we’re looking at in this
phase? Seems to me like you are looking at the interactions
between the radioactive material and the chemical components
that would be associated in the waste and what the long term
effects would be of the radio implanted materials on the chemical waste. And really I don’t think we’re going to address those issues in the test phase, although it may be something that DOE looks at in terms of what they are trying to get out of the tests, I’m not sure. DOE may be able to answer that, but I think from our standpoint and at this point in time, the review of the application what we are looking at is containing the material over that time frame in containers and then removing it after we’re through with the tests. So we’re not looking at the long-term storage or disposal phase.

MS. ARENDS: But are you looking at, it seems that you’re looking at the test plan though?

MR. GARCIA: In some components we are and I am really not the one to answer that. Perhaps, John, do you want to address that?

MR. DARABARIS: We are looking at some elements, not necessarily from a standpoint of what the test is actually trying to answer from actual facility management, long-term management standpoint. We’re strictly focusing on just the hazardous waste management elements of the test plan.

MS. ARENDS: So my question should really be directed to the DOE on this.

MR. GARCIA: I think if at some point in time if
this would happen, an application for long-term storage or disposal, then your questions would be appropriate. I don’t know if DOE wants to answer them from the test plan itself. I can’t address those at all.

MS. ARENDS: Are you interested in answering, DOE?

MS. BARATTI-SALLANI: Joni, I really can’t answer for the long-term because this is the permitting process for the test phase, and right now that’s what we are focusing our energies on.

MS. ARENDS: I guess because I’ve been working on this issue for so long that I always look at the long term, and so I hope that my perspective is helpful to you although it doesn’t necessarily apply to what the permit, whatever this is, you know, works but you know, just to give you an outside perspective because I know that it’s quite a process and I acknowledge all of your, each individual’s strength that you have in order to bring to the permit process, and sometimes when you get so focused in on something, it’s always good to have it out at a bigger perspective in order to see what you’re doing. And I wish you a lot of strength and a lot of luck in this process in what you’re doing. So thanks.

MR. DUKER: Thank you very much. The next speaker is Amy Bunting.
MS. BUNTING: Hi, I’m Amy Bunting and I live in Eldorado, which is, as you know, is on Route 285 which is the designated WIPP route. And I’m pleased to be given the opportunity to request that the New Mexico Environment Department draft a WIPP hazardous waste permit that will insist on the strictest possible health and safety requirements for the proposed waste.

With the exception of Congressman Richardson, our congressional delegation has abandoned the people of New Mexico on this issue. And as preface to my comments on this permit, I wish to state that we should not have to be here today.

That if the leaders of this state and this nation really cared about their citizens and the environment in which we live, there would be no WIPP nor would there be continued design and development of more nuclear weapons. But these leaders are stuck in a cold war mindset, continuing to practice the political art of violence — continuing to perpetuate the myth that the threat of nuclear annihilation is a means to peace when in fact threatening nuclear annihilation simply gives horrible credence to planned, organized, approved genocide by radiation. And even unused, these weapons are creating terrible health and social problems for people who are not even the designated enemy.
I am here today because I believe deeply in participatory democracy and I believe that we the people are all responsible for this mess whether we paid taxes to help in the creation of these weapons, or voted in the politicians who hired the scientists to design these weapons, or whether we actually worked in the factories which made the parts of these weapons.

I believe many of us here today do not oppose the waste going to WIPP - for not in my back yard (NIMBY) reasons - but we don't want this waste in anybody's back yard. Unfortunately, it is at present in many back yards. Most of the back yards are the poor and minorities.

We all have a responsibility to see that it is safely contained forever on site and that the contaminated areas and contaminated liquid which was never slated to go to WIPP anyway, that these deadly hazardous and radioactive places be designated disaster areas. Deep compassion and concern for people living in these areas or near them must be expressed in the form of serious monetary and medical assistance and there must be continued national focus and priority given to these people and places so that we may never forget the insanity of our actions.

If the powers at be do not take such wise and humane steps and continue their madness by insisting that this waste must be shoved in a hole out of sight, out of the

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collective mind, then we must continue our fight to protect locally or people and our environment as best we can and it is to this end that I make the following requests for permit requirements:

1. There must be direct analysis of the waste contents of the drums and including potential interaction of hazardous and radioactive wastes within the drums or bins. There must be none of DOE's substituting what is called process knowledge or statistical approaches. Direct analysis or no permit.

2. New Mexico Environment Department inspectors must verify the contents of the drums while they are being filled at the generater facilities and the permit fee must include the expense of this NMED inspection.

3. The permit must require an interim storage facility. (not in New Mexico) for WIPP test waste if the test plan finds that WIPP is not suited for long term disposal.

4. The application must cover all of the WIPP site, including the waste handling building, and it must designate specific limitations on the amount of waste allowed at any time at this building or at other above ground areas; and.

5. Given the instability of the WIPP test rooms that Joni was talking about, DOE must submit contingency
plans for dealing with abnormal closure/collapse of the test rooms during the proposed test phase.

At a minimum that should be in the permit. I want to thank you in advance for the hard work that you have ahead of you and may the caring side of your brains be foremost in your deliberations and not the political side.

Thank you.

MR. DUKER: The next speaker is Lola Moonfra.

MS. MOONFRA: I moved to New Mexico in 1970. I came because New Mexico is not like the rest of this country to me. I came because English is not the only language. I came because other cultures offer a richness that I didn’t find elsewhere. I really love this state. Our license plate used to read New Mexico Land of Enchantment. As of this year it now reads New Mexico U.S.A. Land of Enchantment.

If accepting a project like WIPP is what it takes to be really apart of the USA, I don’t want it and I am worried about what Arlon Shubert said, this could be the land of endumpment. I do feel like we have been treated like a third world country. I do feel like our legislators and our government have betrayed us.

Many many people have said they don’t want this. I notice there aren’t as many people here as there have been in other years. Some people have actually been worn down by
this process. There are people here who say to me, I don’t need to come, I don’t need to say anything, they won’t listen, they’re going to do this anyway, no matter what anybody says.

So I ask if this ramrodding really bespeaks a true democracy. Other presenters have stated eloquently the ways in which you all can enable greater safety. That is to address a worse case scenario to verify the drum contents by direct analysis, sampling each barrel and not using statistical averages, including the barrels from 1970 or before, addressing the synergistic effects of the materials in these barrels, of providing more adequate emergency response education and drills and trying to hold the five year permit, if you can to actually five years of a test phase. Requiring interim facility and contingency plans for retrieval in case of failure of this so-called experiment and also putting the cost on DOE.

I agree about these ways that you can make a better permit. However, I support denial of this permit. I can’t foresee any real safety at all. How do we really know that much about these kind of things in five years.

Then there is the aspect of deterioration of the site. There are also the statistics of driving accidents in New Mexico and drunk driving. Our own legislators haven’t wanted to stop the accessibility to alcohol given by drive
up windows, for example. We have a real problem here.

The WIPP site has been shown by many people's examples to be geologically unstable. We can't predict what geological changes are going to continue to occur in this world as there is seismic activity worldwide. California as usual, but there is something like Egypt and it goes on.

Others here have also given good examples why the DOE cannot be trusted. I wonder if the most stringent permit that you would be able to build could really guarantee the health and safety of New Mexicans, Mexicans and all others who may potentially be affected in this world by a disaster that happens here including the unborn of many generations.

The biggest issue to me seems clear that this so-called experiment could turn into a permanent repository overnight. As R. F. Shubart said, how much of a test, how much of an experiment is this WIPP project really intended to be.

I feel we are standing at a crossroads in history. I support taking a decision to end incentives to the nuclear industry. After all if we build a WIPP site we can still flush the toilet, you can guarantee more waste will be deposited. We don't need more nuclear weapons.

In an article in the news journal it is said that even if nuclear power could be ascertained as safe as...
ecologically beneficial, the amounts of gas and coal and oil
needed to sustain a period of construction for the nuclear
reactors to take over the energy production, these amounts
are ecologically untenable creating havoc with our ozone
layer. We really do need to learn to use other resources
like solar and wind and geothermal.

There is a huge wind experiment going on in
California. Wind generators in twelve middle eastern states
could generate enough wind power to supply a whole country
with electricity. This really needs to be looked at more
seriously.

I even wonder now about medical uses for nuclear
product. Can there be any justification for continued use
of the material that creates cancer, to diagnose and create
cancer when if we change some basic components in the way we
carry on in our society there would be less cancer, and just
briefly about cancer, I wonder how many of you have had
cancer. How many of you know somebody who’s had cancer.
It’s getting worse.

I stopped going to Cochiti Lake to walk my dogs
after I noticed a suspicious barrel in the muck only to find
out from the newspaper years later there had indeed been
radioactive contamination at Lake Cochiti and I have two out
of three dogs now who have cancer. Fortunately I wasn’t
actually in the muck but I wonder.
I look at this and I come up with the idea that on site storage is the safest way to deal with this problem and to protect and care for people all over. I think there needs to be medical contingencies to address the issue of contamination where people are living near restored sites but it is true this waste can be monitored more effectively until the nuclear technology for neutralization or transmutation. Transport and underground storage simply present too much of a threat to our health and safety and to that generation to come with our present lack of knowledge and our present experiences of what can happen when you bury such hazardous materials in the ground.

Again, from this newest journal Castro stopped the construction of Cuba’s first nuclear power plant after a -- or decay and millions of dollars. He just stopped it cold deciding that it was ecologically untenable. They are encouraging people to use bicycles in the cities and to walk and to use other methods of transportation to reduce their need for oil.

The workers have been given new jobs in construction in the housing industry and in cities and other things, and in the words of a beloved activist friend of mine, we don’t gotta. Please build your strength to say no to this permit.

MR. DUKER: We now recognize Janna Rolland.
MS. ROLLAND: Thank you for this opportunity to comment in behalf of this waste permit for WIPP today.

My name is Janna Rolland. I'm a Physician for Social Responsibility of New Mexico. PSR was founded in 1960s when it was discovered that Strontium 90 [sic] was discovered in the assiduous teeth of small children down wind from the Nevada test site. Strontium 90, as most of you know, is a deadly carcinogen, it is radioactive and it was discovered that from just nuclear testing and being down wind people were obtaining doses of radioactive material that could potentially cause cancers.

Currently PSR is still working on radioactive effects of nuclear weapons production and the nuclear wastes that nuclear weapons production generates and PSR in coalition with a network of groups around the country, community groups and environmental groups, opposes the opening for WIPP and encourages interim on site storage until a suitable site for waste disposal can be found.

A number of people have spoken very eloquently before me and have brought up a host of issues, so I will be very brief issues.

Of utmost concern to PSR and to myself is the health and safety of New Mexicans and those along the WIPP route. Therefore, it's necessary to have a complete knowledge of the contents of each waste container that is to
be transported to WIPP. Some wastes designated for WIPP are highly flammable, so the state needs to be able to call for appropriate action and retreatment of these wastes as well as training emergency response personnel along the WIPP route.

Without a competent knowledge of the contents of each container, potentially dangerous waste mixtures may be created. Their shipping could unnecessarily endanger the public over and above the inherent hazards of transporting such materials.

In addition, PSR joins others here in recommending that the State of New Mexico require independent verification of drum contents by E.D. inspectors during packaging at the generator facilities. This will require additional staff for E.D. and the expense should be included in the applicant's permit fee.

Finally the state must prohibit any of the test bins from being exposed. These test phase bins are not intended for disposal, so the state must require that all test phase waste be removed from WIPP and taken to a designated interim storage facility.

As I have said before PSR opposes the opening of WIPP especially without the necessary safeguards and strictest EPA standards. The health and safety of New Mexicans as well as others along the WIPP route is that for
decades under the guise of national security DOE has callously endangered public safety and health.

DOE's ability to operate WIPP safely and environmentally soundly is seriously questioned without the requirements for hazardous waste permit that others before me and I have mentioned, public confidence in DOE and WIPP will never be regained.

I urge you to consider these carefully and consider the health and safety of New Mexicans and the residents of the United States first. Thank you.

MR. DUKER: Thank you very much. We call on Robert March right now. You have ten minutes, sir.

MR. MARCH: My name is Robert March, I live in Santa Fe, New Mexico. I came to New Mexico 13 years ago and I came to get involved in the studying of natural medicine. Right now I have a school in New Mexico for the last 11 years that teaches people how to teach each other with love, kindness and sensitivity. Therapeutic massage. We teach other different modalities on how to stay well.

We're involved in the preventive therapy business. Preventive health. I have done a lot of testifying before on the health aspects of this whole project. In studying this project we all know this project is motivated politically and it's motivated in a business sense for Westinghouse to make money, for the Department of
Energy to pay Westinghouse to make money, for the citizens
to pay the money that the DOE pays to Westinghouse. That's
the basis of what we are talking about.

And we as citizens, I as a citizen need to say
okay, in this process if that's a political reality, you as
people in the State in the Environmental Department,
hopefully you are aware of that and hopefully you will say
okay, if that's the situation let's make this process as
difficult as possible for the Department of Energy to bury
hazardous and radioactive waste, to have it travel through
the highways of 22 states, to drive down St. Francis.

My school building is two blocks from St.
Francis. We must take the extreme position here. The
detailed position. Everything that DOE says in that seven
volume of permit process that's vague. They have to tell us
the specifics in every situation where there is something
that's not specific.

We have to know that the Department of Energy
has been one of the biggest polluters of our country. The
military industrial complex is the biggest source of
pollution in this country, both hazardous waste, mixed
hazardous waste, chemical waste, radioactive waste. That
one of the latest theories of disease that I've been
studying has been called free radical pathology.

It's probably going to be replacing the germ
theory of disease of what we’re going to accept as to how a lot of these things start.

Free radical pathology means that any toxic substance like lead, mercury, carbon tetrachloride other than the chemical hazardous waste in the WIPP waste plus materials like plutonium, strontium, radioactive waste, these materials create free radicals in the body. And free radicals break down cell membranes, break down cell walls so the body collapses internally and one of the first things that tries to prevent that collapse is the immune system and if these ingredients, these hazardous wastes starts to do their free radical dance with white blood cells, leukocytes, all different elements of the immune system then we’re going to break down the immune system cell by cell and when that happens then the body can have a cancer, it can have heart disease, it can have the other four major killers in our country.

Those of you that don’t know, the health of people in America is probably we think it’s the best and the newspapers tell us the best but we’re about the 17th best, and I wonder if it’s related to having all these toxics in our environment. I read a book called The Next Nuclear Gamble Lamar Metzenkaf [sic]. In that book he says the next nuclear gamble is putting radioactive waste and hazardous waste on the nation’s highways.
To me it’s like what happens when an individual has cancer. They try to isolate that cancer in a specific organ of the body. When that doesn’t work the cancer may get into the lymph system and that is one of the vascular systems in the body that transports things. It may get into the blood system, so if that’s what happens in the body and we’re consciously taking this radioactive and hazardous waste which is carcinogenic and putting it on the nation’s highways of 22 states we’re doing to the nation what the body tries to prevent in its own effort to defeat illness, tries to isolate it, so the best thing that we can think about is keeping this waste isolated and that’s keeping it where it’s at.

So I would really hope you consider, if you do consider permitting the DOE to do this, you make it as hard as possible for that to happen, make them meet every environmental regulation to the T because their history is not very demonstrative of them looking out for the health and safety of people, and I recommend either denying the permit or if you have to do the permit politically motivated permit process, if you have to do that then make them cross every T and dot every I. Thank you.

MR. DUKER: The next speaker is Stacy Courtney.

MS. COURTNEY: May name is Stacy Courtney and I am here as a citizen of the world. I can only speak for
Although I call New Mexico home now I was born and raised in Washington State, not from the Hanford site. My life has been personally touched by accidents that can and do occur with regard to the nuclear industry. I admit my ignorance to the technical babologic that is necessary to understand completely all seven volumes of this permit application. But I am convinced that for my own need to inform myself of this issue that the WIPP permit application is not nearly stringent enough to protect all concerned and that at this point I'm going to do some repeating here but maybe that's what it takes.

Specifically, I ask the DOE be required to use direct analysis of the waste contents and their potential interaction within the drums or bins and that independent verification of drum contents be made by NMED inspectors at the generator facilities and this tab be included in the applicant's permit fee, WIPP must not be used as an interim storage facility.

Should WIPP be terminated as a long term disposal facility, in such case the permit must require the DOE's retrieval plan, including a designated interim storage facility for WIPP test waste outside New Mexico, because I guarantee you that nobody is going to want this stuff and we could easily be stuck with it which is why they don't want
tell us where it's going to go because nobody wants it and they're not going to admit to having it.

Also, the application must cover all of the WIPP site, including the waste handling building. It must be designated specifically with restrictions on amount of waste allowed at anytime in this building or the use of tanks or incinerators.

I disagree with what the DOE called the maximum credible event specifically in reference to the fallen roof in the test rooms and I think DOE should be required to submit a contingency plan to deal with this most credible event.

And to close, in my continued search for truth I understand and accept that you too, although you often appear as the enemy, are also a citizen of this planet and in the spiritual sense we are not altogether that different from each other, so in acknowledging that we were all one, I take comfort in assuming that you are sitting in your truth today and every moment that you consider the possibility of WIPP and that you are sincere in your incredible responsibility to the earth and its inhabitants as I am and that you share my concerns regarding the safety and protection of all concerned.

Given our connection as I see it I ultimately hope you will consider sharing my desire to deny this
inadequate permit application in lieu of our cooperative
effort to keep the earth clean and its people healthy.

Thank you for your time, and please do the right
thing. I don’t have to remind you of your incredible
responsibility but I’m doing it anyway. Thank you.

MR. DUKER: At this time we will recognize
Bonnie Bono. Is she here?

MS. BONO: I am. I’m from Arroyo Hondo up by
Taos, and I was circulating this WIPP petition a few months
back, maybe a year ago, and a woman who refused to sign it
from down by Carlsbad assured me that in one of those big
ceiling falls that three people were seriously injured and
have like continuing medical therapy and the fact that
Westinghouse can cover up people being seriously injured
when those ceilings fall means they are not going to tell
you they have a problem until somebody dies in there.
Somebody will die if the ceiling can fall and they don’t
tell anybody. People get smashed under it.

I’m concerned with the fact that if the ceiling
doesn’t smash people, it’s going to smash the containers of
waste and everything is going to go splashing off and it’s
going to be completely irretrievable.

I don’t understand where you think you want
ceilings to fall and smash these barrels of waste and there
will be anything retrievable at all besides a bunch of gooey
ooze rolling around on the floor and another scientific matter that is called specific gravity has to do with the weight of the salt beds originally, that's been changed by taking a bunch of stuff out and making it into caverns and now the specific gravity is going to be messed with and people driving around in little golf carts and hauling waste in and out. And every time things shift like that, this is a soft substance. It tends to break, and I think that you're going to have like whole sections of salt breaking off and the Brian reservoir spewing in there and I would like to see any retrieval plans at all in case of serious deterioration of that facility.

And another subject I have often heard was that salt gets hot and melts at a fairly low temperature and the possibility of the waste could be hot enough to actually liquidate the salt beds.

I didn't get a chance to read the permit or even look at it, but unless and, you know, a lot of physical issues are addressed very clearly it should probably be rewritten at least.

You know, I hope you can deny it for not being physically solid enough to protect even the workers there because you know the people at Carlsbad aren't going to tell you anybody got hurt. She said she couldn't sign the petition because their patients would fire her or something
you know.

That there are a lot of things maybe that are
being covered up and I don’t know by whom or how but you
should look in to it and see what is really happening down
there. Thanks.

MR. DUKER: Thank you. Is Kenneth Jacks here?
Okay, I will move to the next one. If he comes in, we’ll
try and work him in. The next person here is I believe it
is Katie Woodall. Is either Kenneth Jacks or Katie Woodall
here? We’ll give it a minute or two in case they are
outside. Somebody left to go see if they are outside the
auditorium.

UNIDENTIFIED PERSON: There are a number of
people arriving now who would like to speak and there are no
longer slots available on your register to speak, so I would
like to suggest that when people are not available that we
substitute in --.

MR. DUKER: This is exactly what we’re doing
now.

UNIDENTIFIED PERSON: Thank you so much. I
appreciate it.

MR. DUKER: What we tried to do, for those of
you who weren’t here earlier, is we want to allow enough
time for people to make a presentation or statement. We
wanted to hear from as many people as possible which is the
reason we have a register to sign up.

If people, and this has happened during the day, don’t take up that time I’m kind of keeping track here and when we do have enough space to allow someone - I’m getting notes up here from people who do want to speak that weren’t able to do so. That’s exactly what we are doing right at this point.

There it is a gentleman by the name of Kenneth Jacks who is scheduled to speak. He is not here. A person who wished to speak, Katie Woodall who signed up for any available slot, is the next one we just called on.

If we don’t hear from them we will go to the next person, and we will continue to try to do this to give the maximum amount of people a chance to have their say or to make a statement.

There is so much time humanly available. We’ll try and work it in as best we possibly can. About four of the speakers already who you have heard from have been people we have been able to work in.

UNIDENTIFIED PERSON: Thank you. I appreciate that. I just want to point out to you that people are coming and finding the register closed, so my suggestion to the ladies at the front is they start a list of people that want to speak that would be available back there.

MR. DUKER: Exactly what my instructions are.
They're doing that and it may be that we will not be able to get to everybody, but we will try and work in as many as we can.

UNIDENTIFIED PERSON: They will get discouraged and go away.

UNIDENTIFIED PERSON: That's right.

MR. DUKER: Well, if we gave them the slot and the person who had signed up to do it at that time, they might be very unhappy their slot was taken away from them so we will try, like I say, to work as many as we possibly can in.

At the present time if neither of those people are here there is a gentleman who asked to speak and I think that I would like to mention here that as per request we're trying to work people in. Is Don Brayfield here?

MR. BRAYFIELD: My name is Don Brayfield. Thank you very much, Mr. Chairman. I will take as little time as possible.

I think the technical issues are well covered. I also believe this is a political process but I would like this to be part of your political calculations. The historic people that lived on that land were Cherokawa apaches and navajoes, and those people were removed from that land but they still retain a right to that land. The right to visit, the power spots that are there. The right
to engage in their ceremony there and this has been taken away from them.

This has been taken away by a mentality that says if we have the strength if we have the armaments you will do what we say. This is the nature of the American government. It’s right in the seal of your dollar bill an olive leaf and an arrow. You do what we say and we will give you peace. You don’t do what we say, we will give you war. This is a mentality that is destroying the planet Earth. This is the mentality that is no longer acceptable on this planet if we are to live.

There are currently 24 wars going on in the world. There are currently 776 insurrections going on in the world. What we need to do is we need to consider the ramifications of each action that each of us takes and to see if we fall on the side of peace, agreement, maturity and intelligence or if we fall on the side of force. That is the way our society operates now. Force. This is not the way that will enable the human species to survive.

You can take a very strong stand, each and every one of you on the side of peace, of agreement as opposed to the side of force. Right now the WIPP process is where it’s at because of the use of force. The power and authority of the federal government to do what the congress and the federal government decides to do.
You as representatives of the state government have an option.

Last thing I would like to say that salt, that bearing nuclear waste which has been used in the spiritual world of force to dominate the planet earth to destroy the aberrational people of the Planet Earth, to confine the American Indian to his reservation and to commit genocide against those people, that’s one side.

Now you’re going to bury that energy that spirit into the most sacred healing matter that we know which is salt. Salt is a natural healer taken in the right doses. The wrong doses, it will kill you. So consider that, go beyond your limitations, you know. Go beyond the law. Go to your spirit. Go to the truth and simply allow this permit not to be given so that the waste can stay where it is and we can stop the madness and we can begin to live by agreement and not force. Thank you.

MR. DUKER: Is Kenneth Jacks here or Katie Woodall here? Next person here we’re going to try to work in here is ten minutes, sir, because we’re working in between other speakers. Bob Halley.

MR. HALLEY: My name is Bob Halley from the Guard, Citizens for Alternative Radioactive Dumping. I have been involved with the WIPP issue for about ten years now. I didn’t have time to prepare anything this evening but I
must say during this whole ten to twelve year history
there’s a lot of things that have happened around WIPP that
a lot of people that haven’t been looking at the problem
that long don’t see.

Beginning when the project was first accepted in
1979 there was a recommendation made from Sandia Labs to DOE
to accept the WIPP site originally. That was based on the
information that was contained in the 1978 GCR, Geological
Characterization Report on WIPP.

That report left out a lot of important
information. It didn’t talk about karst at the site. Karst
is a geological formation whereby water can travel
underground in solution channels that are eroded. The water
could travel to the Pecos River via these channels.
Nasterol [sic] which is just west of the WIPP site is a
known karst feature. The fact that this geological
information was never examined before the site was selected
indicates that it was selected for political reasons and not
for geologic reasons.

That is history. The problem is is that our
political institution has not paid attention to the
science. They have not paid attention to the scientists
like Larry Barras who in 1982 worked for Sandia Labs and
wrote a report that said it’s possible under karst
conditions for water to travel from the WIPP site to the
Pecos River in less than a month.

The DOE says that travel time is 300,000 years in the environmental impact statement. Now, anybody that's reasonable could look at those numbers and say we have a problem here, folks. The problem is we don’t know what's going on down there.

The DOE does not know where the water comes from, they do not know where the water goes. They do not know if karst exists at the site because they have never done any research to find out if karst exists at the site. I don’t know what it takes to get our politics to face the realities that this stuff is not going the stay where you put it.

It’s underneath an aquifer that’s about 800 feet below the ground called a Rustler formation. This is water that’s traveling underground.

Whether they first drilled the shafts down to the WIPP site the water ran down the shaft at the rate of two and a half gallons per minute. They tried to seal all the shafts to keep the water from coming in. Those seals lasted about five or six years and they started leaking again. There is no technology to seal shafts in salt. They don’t have the capability. It hasn’t been developed. They are still working on the problem. They’re betting that when they have to close WIPP up they will have the technology to seal shafts and salt.
DOE couldn't do the bin experiments -- I beg
your pardon, the out post experiments at the WIPP site
because they couldn't find a way to seal the salt and keep
the gas from coming out. If they can't seal the salt how
are they going to keep the radioactivity in the repository.
The fact that for ten years almost -- well, it
was actually about eight years, from 1973 to 1984 right in
there. DOE never told the state that the waste was
generating explosive gases. Hydrogen, methane and oxygen.
They deceived the State of New Mexico and yet the state went
ahead and let them keep going.

I don't understand. It doesn't make sense to
me. Where are we? I just read a book it's called the
Pethgow Effect. I would suggest that anybody that is
interested in radioactivity and its effect on living
organisms, they should read it, because I would like to
request that it be made of record of this hearing.

Mr. Pethgow worked for the Atomic Energy
agencies in Canada. He did experiments on cell tissue.
What he found out is that the low level effects of radiation
are much more adverse than the high level effects. All of
the regulatory agencies, regulatory bodies that set the
limits for radioactive exposures have based all of their
research on high level exposures, high level short term
exposures. The radiation victims of Hiroshima and Nagasaki,
those studies are based on short term high level exposures.

What Dr. Pethgow has discovered is that low
level long term exposures are much more harmful. The
problem is that the regulatory agencies have focused on
 genetic effects. In other words, damage to the nucleus of
the cell. Dr. Pethgow has focused on damage to the cell
walls. This is quite a different proposition.

The nucleus has the ability to repair itself
because that's its function is to continue the species
evolutionary wise whereas the individual cell walls just
maintain the organism and so they can't repair themselves.
What he found was that exposing the cell walls to 26 rads
per minute, that took about 137 minutes to destroy the
cell. Exposing the cells to one-thousandths of a rad it
took 700 minutes to destroy the cell. That's 500 --
correction 5,000, 1/5000ths of the energy for the low level
destruction as compared to the high level destruction. What
this means is is that isolated radioactive waste or material
that's in the environment causes much more damage than a
high level exposure.

One other thing that they're postulating is that
the increased environmental contamination. The materials
that are released in the environment have caused or are
causing right now the reduction in the growth rate of all
the forest of the world basically because they're measuring
higher levels of carbon 14 crypton 85. All kinds of radioactive materials that didn’t use to be in the environment.

Now this effect on the forest that’s keeping them from being healthy and growing has been documented in certain areas. The reason for it is unknown. They call it factor x. Some people are postulating it’s a synergistic effect between the radioactive materials in the environment and the regular industrial pollution. That what is happening is the sulphur dioxide is being converted to sulfur trioxide by gamma radiation which then is creating sulphuric acid which is deposited in the soil of the trees limiting their growth.

You see, the problem is we really don’t know what we are doing with this stuff. We have no idea. And we’re making a tremendous tremendous mistake if we keep doing it. Who is to say that 40 years from now or 50 years from now there won’t be any forests.

If what they say here or what these scientists say is true, that’s a possibility and I am just wondering when in the hell are we going to face the reality here. I am pissed off because I don’t want my children to face a world without trees.

MR. DUKER: I might add if anybody has written material we do have a registrar outside, it can be logged
in, or you can submit it directly to the New Mexico Environment Department.

Okay, the next scheduled speaker whose signed up for this particular time spot is Mary Schoolcraft.

MS. SCHOOLCRAFT: I appreciate the opportunity to address you today and I am glad that you are making this opportunity for people to come before the draft statement is finished.

I understand that this is a technical review and I don't have a technical background. I do have a background in city planning. I worked for city government for over 15 years and so I understand that you have certain requirements and certain parameters of the law under which you can take testimony but part of my concern is some of those parameters are too narrow and some of the other people that have come up today and spoken to those issues that concern them, that they're really emotionally and psychologically very upset about because they don't really fit into the framework of the hearing process or the very technical requirements because they are not technical experts, and I guess I'm just encouraging you to realize that as you listen to people's comments and as you review the information that the picture and the problem is a lot bigger than what's narrowly defined and while you might be able to address the specific components of the law and the policy statements which is
what good bureaucrats usually do, you might be missing out
on the spirit of the law and the intent which is to protect
the people who live here and the land and so I am just
really encouraging you hopefully as you go through this
process if possible to broaden your perspective and try to
think about those things.

I have several questions. As I was here earlier
this morning listening someone said that your department
only has authority to regulate hazardous waste. Who
regulates the radioactive waste. I don’t understand that.

What kind of contingency plans are there to
restore groundwater once the aquifer has been contaminated.
You have a section in here for contingency plans. How in
the world do you ever think you can restore an aquifer once
it’s been contaminated by radioactive and hazardous waste.

This site itself is not stable. It’s not
static. There’s already evidence to prove that. Huge slabs
weighing hundreds of tons have fallen from the ceiling in
some of these storage rooms.

To me I’m not a technical expert but that really
would imply that is not a stable site. Why is there such a
rush to move into the situation that could create such a
great hazard for hundreds of future generations to come.

This is a historic moment. We are really at a crossroads
and your department is thrust into a leadership position
right now.

Whether you’re excited or anxious about that role you’ve been placed in, it’s really important to understand how to deal with this issue. This is not just a legal game. It’s not enough just to meet all the requirements to the hearings and say, well, we’ve done our job because we jumped through all the hoops. This is a really crucial technical point and I just urge you to take your responsibilities seriously.

I am also concerned that this process, this technical review process has omitted a very important part of the population of this state. I am referring to the native people. I don’t know but they have been here a lot longer than any of the rest of us. They have been here for tens of thousands of years.

They have a pretty good track record as caretakers of this land. I would say their track record beats the DOE’s and I would say also that they have demonstrated a knowledge and wisdom of this land and of the unseen forces that rule and guide this land. I don’t think that New Mexico is called the land of enchantment for nothing and I would just really encourage you to somehow build into this process some way to access the wisdom of our native people that are here to help us on this.

I think we are dealing with a really unknown
quantity here. We didn’t realize the effects of radioactivity and fallout when we created and detonated the bomb and speakers before me have made much more technical and factual statements in reference to that and I am just saying do we fully understand the implications and spin off of storing this radioactive or hazardous waste deep into the earth.

Scientists have come forth with the guyo [sic] theory which states that the earth is a living organism and we’re talking about creating a deep opening into this living organism and injecting toxic hazardous waste that has a life of 250,000 years at the minimum.

This is not something that is going to be a short lived decision and after four years in your job you can move on and think it’s over and it’s done with. I’m just really concerned about these factors.

There is so much that we don’t understand and it has so many implications to this that I really just encourage you to if at all possible broaden the parameters of this and not just speak to a technical review and letter of the law but to look to the spirit of the law and the spirit of the people and the spirit of the land. Thank you.

MR. DUKER: The next person who has signed up to speak at this particular time slot is Suchi Solomon.
MS. SOLOMON: I'm not going to sit down, I'm sorry, I can't sit down and be in the little seat there. I'm going to be myself.

I'm having a great time because I've been to all the WIPP hearings and there have been a lot of them and they're all great because we make them great. And thank you for an opportunity for speaking again to each other and listening to each other. I would like first to try to answer the question that Mary Hall had and her husband Hugh Jennings which the DOE representative did not answer and that was why is it that the DOE is undertaking a test phase that WIPP when it could be conducted anywhere, anyplace. I heard one person say on a 15 story building somewhere, it does not have to be done at WIPP.

Why is the DOE ignoring the obvious ease by which these tests can be undertaken and the answer I think is this, that on the back of all the environmental regulations there is always something called the grandfather clause.

It says any facility which is open on the day that this regulation comes into law will be exempt from this regulation. Now, what do you think will happen once even two barrels of waste are put into WIPP under whatever circumstances. WIPP will then qualify as a open facility and it will be exempted from all regulations.
That means WIPP will be in a 100 percent untouchable space in terms of legislation and regulation, and I think that's why the DOE is concocting the test phase and a couple of other people have agreed with me. You can judge for yourself, okay.

It seems that the reason for having this meeting is to help the New Mexico Environment Department to write a permit to open WIPP, and the reason I'm speaking now is to say that WIPP cannot be permitted to open for the following reasons.

First, the permittee on the application is listed as Department of Energy. It is incorrect. The permittee is really Westinghouse Corporation. It does not appear on the permit and I question how can the State of New Mexico regulate Westinghouse through the Department of Energy. How does the supervision work from such an indirect -- how can the New Mexico Department of Energy, how can the Environment Department have any control over what Westinghouse is doing when it has to work through the Department of Energy. This is a piece of information that some of you may or may not know.

90 percent of the people who work for the Department of Energy receive funds from the Department of Energy do not receive their money from the Department. They receive it from a corporation which has been given the job
by the Department of Energy to do its job. In other words, the Department of Energy is a front organization for corporations, very large corporations which do this defense work and the goal of these organizations, the corporations is to make profits, and Robert March talked a little bit about that earlier.

This is the system. We may as well acknowledge it. We live with it and it is good to see that this is the system, so we can understand how our tax dollars are being used. So I think for the first reason is that the Department of Energy is not the permittee that it's really Westinghouse and that the Environment Department is too remote from the people doing the work to really regulate it. So the system needs to change, folks.

The second reason why WIPP cannot be permitted to open is that we lack the authority to issue this permit because the amount of time that this project is dealing with is only a tiny fraction of the total time in which plutonium is lethal which is 250,000 years.

Plutonium is the most toxic substance known to man and it is also man made. A particle smaller than a grain of sand when inhaled into the lungs will cause lung cancer. Once inside if it lodges in the reproductive organs it will cause genetic damage that can affect all future generations because all the genes that will ever be in on
the planet are in all of us now.

No one knows how much plutonium we already carry around in our bodies due to past explosions of bombs in the atmosphere leaks from underground testing and from bomb reduction and waste handling.

The people who monitor for radioactivity in the environment don’t try to find out how much plutonium we have. They usually just measure for gas for beta radiation but they don’t look out for the longest alphas which is what plutonium is, an alpha radiator.

So, the second reason is we lack the authority to permit WIPP to open because the people who will be impacted by plutonium haven’t yet been born but we are carrying the genes for these future people in our bodies so in a way we have to think about them when we make the decision about WIPP.

The third reason why WIPP cannot be permitted to open is that nuclear waste is not the problem. The problem is the production of bombs. Nuclear waste is like a stool from a baby that a mother examines to see how her child is doing. It is important for her to notice her baby’s stool because it tells her a lot about her baby’s health but it’s not the only thing she looks at in her baby.

So if we can not open our eyes and look at where the nuclear waste comes from and where it is produced then
we are acting in blindness and ignorance so we can not
permit WIPP to open until we first look at the nuclear bomb
network and decide whether that should even exist. Now that
the cold war is over, repeat, the cold war is over. Okay.

The fourth reason why WIPP cannot be permitted
to open is that on technical grounds which Bob went into
incredibly well. He’s been doing this work for so many
years and I can’t tell you how much it’s meant to me to know
that somebody understands some of this stuff.

And the reason why WIPP cannot be permitted to
open is that on technical grounds the site won’t hold the
waste. For even the 10,000 year span that it is supposed to
do, after the barrels are corroded by the salt water which
is everywhere running in unknown channels which we call
karst throughout the WIPP site, various levels above and
below the room, said a radioactive suit will be formed that
will eventually find its way to the nearby Pecos River and
into the Rio Grande and finally into the Gulf of Mexico, and
this is why the State of Texas has joined in the suit to
challenge WIPP because irrigation water for all of West
Texas, which is a major source of economic life for those
people in West Texas, that’s the danger by the contamination
in the Rio Grande.

The State of Texas recognizes that and entered
into a class action, yes, environmental suit to stop the
opening of WIPP in order to protect the people of Texas. WIPP cannot be permitted.

Finally, the fifth reason it cannot be permitted to open because the people of New Mexico don't really want it here and in the twelve years that I have been talking to people I have learned a lot to respect all people that I meet regardless of their economic circumstances.

And when I first started to talk to people about WIPP I was told that people in New Mexico were economically poor and, therefore, were willing to embrace the nuclear work but since then I have been talking to people and found out that isn't so, that there is something else built into poor people that the people who are paying haven't thought about and that's that poor people live by simpler life-style and they live closer to the earth and they appreciate the essentials that require, that is required to continue their lives and they value the simplest things like the earth, the water, the air, their children and they gain great happiness from these simple things, and when they understand that these things are threatened, their children, their earth, their water, their air, this is threatened by these bomb factories they do not want to embrace it anymore.

They have the natural judgment and they are willing to live by their hearts because that's the way they get by day by day, so I have come to really respect the

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people of New Mexico a lot and I think also even though the
government of New Mexico have been targeted for a lot more waste
than we deserve, the people of the other states don't want
it either. Idaho and Colorado and Tennessee, Washington,
everywhere they deposit nuclear waste that people really
don't want them and I think that we're within our rights as
free people to stand up for our health as the people of
Soviet Russia have shown, you can do that, have done it.

We have a right. We don't need legal codes or
anything. We just, we have a gut level bottom line inside
of ourselves and we can draw the line and show people where
it is and I think that's what the twelve year process has
been all about. A lot of people waking up and realizing
that together we do have that kind of power. We don't have
to swallow this toxic substance and we can look out for our
own health and safety and the integrity of the environment
which it is our obligation to pass on to the next
generation.

The caring for the planet that's been mentioned
many times and I think this is the least we can do as human
beings in making history happen.

So in conclusion I would like to say to the New
Mexico Environment Department whose job has been defined as
writing this permit that we were told before this hearing
that Environment Department was going to write a permit at

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the same time that there was no test phase plan coming out
from the Department of Energy, that the department was going
to write a plan, a permit for a plan that hasn’t yet existed
and that doesn’t make any sense. That’s an impossibility as
far as I can see.

I can’t see how it’s like making a movie. You
have the film in the camera and the actors but you don’t
know what the script is. So if you go ahead with that kind
of an activity then I think it underminds your credibility
and your independence and your honesty as servants of the
public and I would advise you that as far as I know the
estimate of time that it takes to write this permit, this
permit RCRA process is one and a half to two years.

And we are not asking you to do anything
radical. We are just asking you to do your jobs which is to
follow the procedures to write this permit and not to go in
to any hurry up rush job to write a permit before a test
phase has been defined by the Department of Energy.

If you just go ahead and do your jobs and follow
the procedure we will end up somewhere around the next
governor’s election, statewide election deciding on this
permit and also deciding on public policy and who’s going to
be making policy and at that point we will all have
something to vote about which is why I think it’s necessary
to talk to each other as comrades and friends rather than
adversaries.

I'm speaking now for the democratic process. If the environment department is going to do its job properly then the decision making power is going to fall into all of our hands in another year and a half to two years and that's not a lot to ask of you guys. It's just kind of asking you to be part of the democratic process. It's not a real radical kind of thing to ask you to do and I think you understand what it means.

It means a lot to most of us because I think we have been through twelve years of management and we want to return now to expressing ourselves in some kind of format that does not require breaking laws, blocking traffic, sitting down in front of trucks, the possibility of people getting hurt, that kind of scenario doesn't have to be if we can take issue to the people in a democratic process and it seems as if at this point you have a really nice role to play in that process and I'm advising you to play it. To do your jobs.

MR. DUKER: Thank you, Ms. Solomon.

At this time we're scheduled as I mentioned this morning and again this noon to take a recess until six o'clock at which time we will resume with the presentation.

We have a full list of people who wish to speak. I have also here a list of people who were not able
to get specific times and if everybody keeps theirs slightly short we can work all of those people in and get the maximum amount of input we can get.

Now, I am required that we leave this room until six o’clock and I lock it. So I’ll be back here in time to do it and we welcome all of you back at that particular point in time. Thank you.

(WHEREUPON, recess at 5:05 p.m.)

MR. DUKER: I would like to welcome you to the New Mexico Environment Department’s public information meeting regarding the WIPP permit application procedure for the test phase.

This is the third session today. We are pleased to see that all of you took the time and made the effort to come here. I would like to make an announcement that if anybody wishes to make a presentation in Spanish that we do have a translator here Mr. Sivas right over here at this desk. If you will identify yourself to him we will make that arrangement.

While the New Mexico Hazardous Waste regulations do not require these meetings, it is the desire of the Secretary of the Environment Department, Judith Espinosa, to have these informational meetings to solicit input from citizens of New Mexico early in this process. It needs to be emphasized that this permit application being considered
is only for the test phase. It does not include a request for permanent disposal of mixed waste at the WIPP site.

The requirements and the details of this permit have not been formulated at this point. NMED is currently in the process of a technical review of this application. When a draft of the permit is completed or a notice of intent to deny, there will be formal hearings as differentiated from this meeting.

The reason for these meetings is to inform you about the application, what it is that NMED addresses, what we do not address and to also include your input in to this process.

In order to provide the maximum amount of time for all interested persons to express their thoughts we have instituted a basic procedure for the conduct of these meetings.

First, if you wish to comment or make a presentation, please sign up for an available time at the table outside the door. This will be on a first come, first serve basis. Each speaker who signs up will have ten minutes maximum. Unscheduled comments or questions from the audience at large cannot be recognized as we have a great deal of speakers who have signed up tonight. Please stay within the allotted time so as not to take away from others who follow you. All oral presentations will be officially
If you wish to submit any written material, please do so at the sign up table. This will be logged into a register or you may mail material to NMED as long as it reaches us approximately November 25th, and I might want to mention too that because of the large number of people who would like to be worked into the regular schedule of speakers tonight that this cannot be accomplished in the time that we're allotted in this auditorium tonight. It would be very much appreciated if you did put that in writing and submit it to us.

If you need the address, again they have it outside there at the desk. Please register your name, your title, organization, mailing address.

If you wish to receive an executive summary or reply to your input, you will receive a reply within 30 days. These meetings are specifically for the consideration of the WIPP permit application for the test phase.

Please comment on this issue. Comments or materials not related to the WIPP permit application for the test phase will be accepted and recorded. However, as I mentioned this is the permit application for the test phase and is very specific in what is involved and what is not.

There may be comments or questions that cannot be answered at this time, simply because we are still in an
early stage of the process or we do not have the people here outside this particular process who can answer that.

As these meetings have started at nine o'clock this morning, they are scheduled to go to 9:00 tonight, I talked to the building maintenance people. We can run a little bit past that and we will try to do it to accommodate as many speakers as possible.

It will be necessary for us to take at least one break sometime along the evening and we will schedule one approximately for 7:20.

For your information there is no smoking allowed in this auditorium. Rest rooms are located outside if you go down straight out here to the intersection of the hall ways, women's rooms to the left, men's room to the right.

The New Mexico Environment Department wants to hear from as many citizens as possible and in order to accomplish this and be fair to everyone who wishes to comment it is important, as I mentioned, to stick to the issue at hand and to stay within your ten minutes allotted.

If you can cut it a little shorter, if you don't have a full ten minutes to say, it will allow some other people to get to be able to speak who did not originally sign up.

Any demonstrations or other disruptive behavior are prohibited in this particular auditorium. You're asked
to refrain from heckling or booing. It just serves to delay
and prevent others among you to be heard and could even in
an extreme case cause a possible termination of this
meeting, and we do want to hear from you.

I would like to introduce the participants in
this meeting. From the New Mexico Environment Department in
the back we have Kathleen Sisneros who is the Director of
our Water and Waste Management Division:

On my left right here is Benito Garcia who is
the Chief of the Hazardous and Radioactive Materials
Bureau.

Sitting next to him is Susan Collins, the WIPP
permit coordinator.

We have with us Ginny Nelson who is with our
office of general counsel in the department. She’s back
there in the far right-hand corner on my side.

Consultants to the New Mexico Environment
Department from the A. T. Kearney Company, right here we
have Connie Walker, sitting back over there in the audience
is June Drieth and right over here is John Darabaris.

From the U.S. Department of Energy, on my right
we have Patty Baratti-Sallani.

From Westinghouse we have Larry Ledford and Jack
Johnson.

We also have Robert Lopez here from the New
Mexico Environment Department as well.

I’m the moderator for this this evening. I’ll try and keep this on track and try and give everybody as much input as we possibly can.

As I mentioned, I work for the Environment Department. My name is Tom Duker. Without further ado, we will have a brief presentation by Susan Collins who, as I mentioned, is our WIPP Permit Coordinator. Susan is with the New Mexico Environment Department, Hazardous and Radioactive Materials Bureau. Her presentation has been given twice earlier and this is the last one of the evening. Following that we will get on with the meeting.

MS. COLLINS: Thank you, Tom. I see some familiar faces, people who have been in the audience for part of the day, so this is the same presentation that I gave at 12:00. Please bear with the repeat.

In the time that I have I would like to give you a brief view of the permitting process and then specifically address the status of the WIPP Part B Application. To do this I’m going to address four key issues.

Why is the State of New Mexico reviewing the WIPP application; what is the test phase, what’s in this particular application and what’s the status of the review?

The first question is why are we reviewing the WIPP application submitted by DOE Westinghouse? To obtain
the legal right to store, treat and/or dispose of regulated hazardous waste, a facility must formally apply for a Resource Conservation and Recovery Act permit, commonly known as RCRA Part B permit. DOE/Westinghouse has submitted a RCRA Part B permit application for the WIPP test phase.

During this test phase DOE/Westinghouse wants to conduct tests using RCRA hazardous waste that is mixed with radioactive waste, hence the term mixed waste. This does require a RCRA permit. I would like to point out that the State's regulatory authority is over the hazardous component of this mixed waste. Because the radioactive component can't be separated from the RCRA hazardous waste, New Mexico Environment Department regulates all of this.

An example of the mixed waste might be a glass beaker that's contaminated with both the radioactive waste and hazardous waste.

What exactly is the proposed test phase? The test phase is a period of time during which various tests will be performed to evaluate the suitability of WIPP for long term disposal. DOE/Westinghouse has developed test phase plans describing the activities and tests that will be performed during this time.

The New Mexico Environment Department has examined elements of the test plan that apply to the Part B application. Specifically, those elements ensuring that
DOE/Westinghouse will safely manage the waste to be placed in WIPP.

We don’t examine all of the test phase plans but consider only those portions of the plans for which a permit is required, and only those portions of the test that are governed by RCRA. That is, we don’t regulate specific tests or experiments but rather we regulate the safe management of hazardous waste during the test.

If a permit is issued DOE/Westinghouse cannot implement a change in the test plan that affects the RCRA permit without notifying the New Mexico Environment Department.

If DOE/Westinghouse were to do this, to begin a new test, they would be in violation of their permit. Should DOE/Westinghouse want to implement tests not technically reviewed in the process we’re in now for instance - alcove tests - the appropriate regulatory mechanism would be to request a permit modification. This would only occur if a final permit had been approved by the Secretary. This kind of permitting action requires a complete administrative and technical review, an opportunity for public involvement during a public comment period and hearings.

So to summarize the test phase is a period of time during which DOE/Westinghouse wants to perform various
experiments at the WIPP.

The test plan describes various experiments DOE/Westinghouse wants to perform during this time.

The New Mexico Environment Department regulates the safe management of hazardous waste, not the test themselves.

If there are tests in the new test plan currently being developed by DOE that involve RCRA hazardous waste, and that we have not technically reviewed in this application process, DOE/Westinghouse will not be allowed to implement them. They would be in violation of their permit should they proceed with any new test.

And finally, the only way to proceed with any new test contained in the new test plan would be through a permit modification.

Next I would like to tell you about the application, what we don't review in the application, and finally what's excluded from shipment to the WIPP.

What we don't review. The department, during the technical review, does not review activities outside the WIPP boundary, such as transportation, transportation routes, emergency response during transportation TRUPAC design.

In other words, we review what we have regulatory authority for.
Questions have come up in the last two public meetings on what waste is excluded from shipment to WIPP. Numerous criteria must be met prior to shipment from either of the two generator sites. Restrictions from shipment include but are not limited to the following:

There are know explosive or compressed gases that can be shipped; no ignitables, no corrosives or reactive wastes. There are no free liquids that can be shipped. This means that partially solidified sludges, for example, can’t be shipped to WIPP, only solidified sludges.

Now, I would like to give you a closer look at the application, what’s the format and what’s in it. The application is broken in to chapters. The first chapter is the Part A.

This consists of several standardized forms. It provides a general facility information; what’s the name of it, EPA I.D. Number, where’s it located, who the owner/operator is. Gives us the type of hazardous waste activities and the types of wastes that will be handled there.

Chapter B contains a general description of the facility which expands the information provided in the Part A. Typically Chapter B gives a detailed description of what business is conducted at the site;

There is a physical portrait, what does it look
There is also a brief description of the RCRA units or hazardous waste management units. In this chapter, for example, we want to know is the facility in the hundred year flood plain. We would want to look at the topographic maps, we would need to know the boundaries of the facility.

Chapter C of the RCRA permit application addresses analysis and characterization of the hazardous waste which will be handled during the WIPP test phase. This chapter must include all the information needed to meet the regulatory requirements to properly store and manage the waste in WIPP during the test phase.

Specifically we look at what are the wastes, why are they hazardous, what are the lab tests that detail the chemical and physical analysis of representative waste samples.

In summary, we want to know in Chapter C the hazardous waste destined for WIPP has been properly characterized so that it can be properly managed there during the test phase.

Chapter D. This chapter really provides the nuts and bolts of the unit design. What the units are like and how the waste will be managed in the particular RCRA units. Chapter D also provides a discussion of the
processes that go on with the handling and storing the waste in the three RCRA units.

Those RCRA units are the waste handling building and the two units in self-service, the two test rooms.

This chapter is very much an engineering section describing standard engineering procedures that DOE/Westinghouse must follow to ensure the safe management of hazardous waste.

It gives a detailed physical description of each unit, what the unit is made of.

It clearly describes the what does it look like to us, and then this chapter also gives a description of the management practices. The how do they manage the waste in the particular units.

Chapter E is protection of groundwater. This chapter provides a complete description of the measures to be taken to protect groundwater from contamination.

Chapter F is procedures to prevent hazards. This chapter provides a discussion of the procedures to prevent hazards associated with each hazardous waste management unit. It provides a description of security procedures and equipment at the facility, and it also outlines inspection procedures and schedules.

The contingency plan is Chapter G. This outlines what the facility will do to respond to emergencies.
such as fire, explosions or any unplanned releases of hazardous waste at the facility. Note the difference between Chapter F and Chapter G.

First, Chapter F procedures to prevent hazards must address how to prevent hazards from occurring but the contingency plan which is a RCRA requirement, requires the facility to address what happens when an unplanned event does occur.

Specifically, it tells us who the emergency coordinators are, gives it an evacuation plan. It tells us what will trigger an emergency response. Also it describes the reporting requirements to local, state and federal agencies. And finally, it describes how a similar emergency would be prevented.

The training chapter, Chapter H describes training people receive to operate and maintain the facility.

This also outlines the training programs, the job titles and a very complete description of those jobs.

It gives training program content, and additionally provides the emergency response training that personnel receive.

Chapter I is closure. This describes how each hazardous waste management unit will be closed at the end of its operational life and how final closure will be
conducted.

The plan must describe how the facility will remove any hazardous waste.

It has to provide an outline for all closure activities as well as providing a schedule for closure.

The State of New Mexico will require WIPP to clean close. This means that all waste will be removed from the subsurface as well as from the waste handling building.

Now, hopefully we know why we're reviewing the application. This is a facility that plans on conducting tests with mixed waste.

Basically we know what is in the application. How does the state determine if the application is complete? We do this by beginning with an administrative review.

Once a facility has submitted an application our very first step is to determine if all the required information has been submitted. If you can visualize a hundred piece puzzle as a Part B application and the New Mexico Environment Department wanted to determine if that puzzle was administratively complete, we would count to see if there were a hundred puzzle pieces there but we would not consider if the pieces were broken or bent. We wouldn't consider if the puzzle was complete or we wouldn't consider if the puzzle could be put together. We would just want to
know if the hundred puzzle pieces were actually there.

For the Part B application we would want to know if all the chapters were there, if the contingency plan were there, if the closure plan was there, if the appropriate schedules were there, if the description of jobs were there. But we wouldn’t evaluate it on technical merit, we would just want to know if all the pieces were there.

The administrative requirements found in the regulations are what guide us in this review.

Part B for WIPP has been reviewed by NMED staff and determined to be administratively complete. This does not mean that the application is complete and WIPP has a permit, but rather it means that all the required pieces of the application as defined by the regulations are present.

When the application is administratively complete, we move to the technical phase, the phase that we’re currently in.

The technical phase is an indepth evaluation of the permit application.

The purpose of the evaluation is to determine if this application satisfies the technical requirements of RCRA. During the interactive period of the technical review we rely entirely on these RCRA regulations for guidance, to know what to ask and conversely to know what we can’t ask.

This again is an interactive period between the New Mexico
Environment Department and the applicant, deficiencies or weaknesses identified during the technical review that require submission of additional material or modifications are requested either informally in working group meetings or in a more formal way of communication than Notice of Deficiencies.

Again the purpose of the technical review is to determine if the application satisfies the technical requirements of RCRA. We do this interactively. It's ongoing. We have weekly meetings with the applicant. We ask for more data, modifications to the application, and a great deal of additional information.

This is where we are now in the process. What is unique to the process are the meetings we're now engaged in. At the direction of Secretary Espinoza we have scheduled these public meetings to involve the public and the permitting process before the State writes either the draft permit or the Notice of Intent to Deny.

This is your opportunity to be involved, to give us your technical comments on the application or your concerns in general.

What happens next after these meetings? We finish the technical review. We review the comments that we gathered during these public comment meetings. We incorporate those comments and the rest of the comments that
we develop during our technical review and we issue to the applicant a Notice of Deficiency. That Notice of Deficiency will list any outstanding concerns that we have about the application.

DOE Westinghouse will respond with another revised Part B application. We review that revised application and then make a tentative decision to either write a draft permit or we write a Notice of Intent to Deny.

This is an important crossroads in the permitting process. Notice that it's at the end of the technical review, that a decision is made to either write the draft or to write the Notice of Intent to Deny.

After that point we have public comment period, another RCRA requirement. We have hearings. At that point the New Mexico Environment Department will consider and respond to comments generated during these meetings. The program will at that point make a recommendation to the Secretary to either issue, to issue with conditions, or to deny the permit.

MR. DUKER: Thank you, Susan. At this time before we proceed to hearing from those who have signed up, we have a brief presentation by Patty Baratti-Sallani of the Department of Energy. And as soon as that is finished, we will proceed then onto the people who have signed up to make
presentations tonight.

MS. BARATTI-SALLANI: The WIPP project was authorized by the Congress of the United States as the result of Public Law 96-164 which was the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980.

Congress intends for the WIPP facility to demonstrate the safe disposal of transuranic waste that results in various defense activities in this country. Recently the Congress restated its intent in the WIPP Land Withdrawal Act of 1992, when it provided the DOE with a set of prerequisite activities that are to be completed prior to the initiation of waste management activities at the facility.

One of the mandates is compliance with applicable laws and environmental laws and regulations, including the Resource Conservation and Recovery Act and the State of New Mexico's equivalent law, the New Mexico Hazardous Waste Act.

The permit application that the NMED is currently reviewing is one of the steps that the DOE has taken to comply with the New Mexico Hazardous Waste Act and with RCRA. The DOE is subject to the New Mexico Hazardous Waste Act and RCRA at the WIPP facility because much of the waste is transuranic mixed waste, that is it is radioactive
waste that also contains chemicals that are regulated as hazardous waste under the New Mexico Hazardous Waste Act and under the Resource Conservation and Recovery Act.

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

During the NMED's review and in response to their request, the DOE submitted supplemental information in the form of a revision to the application. This version of the application was made available to the public in the spring of this year in numerous reading rooms throughout the State, including the New Mexico State Library here in Santa Fe.

Currently the DOE is responding to requests for additional information and clarification as the NMED progresses through their technical review of the application. The application is limited to the test phase which includes tests with transuranic mixed waste designed to provide the DOE and the technical community with information that will be useful in making decisions.
regarding permit disposal of transuranic waste at the WIPP facility. This decision is still many years off and will be made after the DOE has demonstrated that the WIPP facility can isolate the waste for thousands of years.

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

The DOE is very interested in what the public has to say concerning the NMED permitting process. The DOE has used the benefits of numerous public meetings in shaping the WIPP program and values the opinions of the public. We in our management and operating contractor, Westinghouse, appreciate this opportunity to hear firsthand the public's comments on the permitting process. Thank you.

MR. DUKER: We will move on to the phase of this meeting which we will hear from the people who have signed up. I do want to repeat what I said earlier. We really need to stick within these 10-minute time frames and if it looks like somebody is drifting, I will mention to you and give you enough time to close. If you can finish a little earlier, we would appreciate it. We don't want to cut anybody short but we do have a lot of people beyond what our capability is to hear from tonight, but like I said, I can
push staying open a little bit later here, but not too much because of the building maintenance in this particular building.

So without any further ado, I would like to recognize Governor Herman Agoyo from the San Juan Pueblo. If you would come up to the center portion, sir, and we do have both the sitting microphone and standing microphone. Is he -- he's gone. We'll try to get to him later on.

The next person I would like to call on is Kenneth Jacks.

MR. JACKS: What is the penalty for a permit violation? Can someone address that? I can't hear you.

MR. GARCIA: She's trying to get together with me so we can answer your question.

MR. JACKS: Oh, thank you.

MS. SISNEROS: The penalties for violation under the New Mexico Hazardous Waste Act is $10,000 per day up to $25,000 per day.

MR. JACKS: You had mentioned that there are procedures for permit modifications but I didn't quite follow what that was. Could you fill me in?

MS. COLLINS: Are you asking what the procedure is if someone wants to come and modify a permit?

MR. JACKS: Yes, if they are in the new plans that are being formulated they are additional tests.
MS. COLLINS: Specifically for this application?

MR. JACKS: Specifically.

MS. COLLINS: If a permit is issued how would DOE Westinghouse come back to the state and get a permit modification. Once they requested it what is the procedure for. We do administer a technical review. The length of time depends on the type of modification. There is opportunity for public comment. I believe the number of days is 45 days. At the request for either class 2 or class 3 we would have a hearing, the same process that we have in the permitting sequence.

MR. JACKS: Thank you. When you were talking about the application you showed us overhead slides. I didn’t see where there was anything that described the tests they plan to do. Where is that in the application?

MS. COLLINS: I tried to address that in the beginning of my presentation when I described what we regulated, and we don’t regulate the test per se. We regulate the safe management of the hazardous waste. We do review the test plan, the specific elements of the plan that involve the hazardous waste.

MR. JACKS: Where in the application are they? I didn’t see them.

MS. COLLINS: The test plan is a reference in
the application. We do review all the references.

    MR. JACKS: It's a footnote to it, in other words?

    MS. COLLINS: Chapter C.

    MR. JACKS: This lady from DOE, please. Could you explain why there is a new test plan being formulated?

    MS. BARATTI-SALLANI: I'm sorry, I'm not a technical person. I'm only here to take information from the meetings and we are to only address the permitting process, and that is not part of the permitting process so I really can't answer it.

    MR. JACKS: Thank you. So then you don't know why they have chosen 10,000 years as a design at this time?

    MS. BARATTI-SALLANI: That's an EPA requirement.

    MR. JACKS: Thank you. The third question I had for the DOE is what kind of site specific information is to be gained from the test to be conducted at WIPP? Why are they there and not at Rocky Flats or LANL?

    MS. BARATTI-SALLANI: Again, you know I'm not a technical expert so I really can't give you all the technical details that that would involve but if you would like to give me a mailing address we would be glad do write back to you with more information. Have our technical people address it.

    This is really supposed to be on the permitting
process, not on the test phase documents, so I can't answer that for you here.

MR. JACKS: It seems germane if we're requesting a test phase you need to justify the test phase, the fact that it's planned to be in WIPP or not at the place where the waste is already stored, so I think it's a germane question. I don't know how much time I have used. Could you tell me, please.

MR. DUKER: You have about two more minutes.

MR. JACKS: Thank you, I will speak very fast. If this waste is to be isolated, why is it going to happen at WIPP and not at the site where it is, the same question I asked her. I think the question of retrievability is very you know warranted. We don't want this waste in the ground where we can't get it out. We need to be sure we can get it out, whatever happens. The thing I asked about the 10,000 year design time, I mean the waste would be hazardous, I mean 10,000 years is less than one-half life for isotopes. If the problem is going to persist for at least a hundred thousand years then why is there 10,000 years? It's like deciding that we have a plane that will fly to say Australia and it's 10,000 miles and we're guaranteeing it is going to be safe for the first thousand miles.

I mean it gets even more ludicrous when you say we're going to do a test for five years which is like reving...
the plane up and taxiing it down the runway and saying well,
we can warrant it for 1,000 miles for the 10,000 mile
journey. I think that's a little bit facetious but that
sums up my feelings about the WIPP.

The characterization of the waste. I think the
State should insist it be specific characterization of the
waste of each barrel that comes in certainly in the test
phase and also the State should insist that DOE fund a state
scientist to go in and do oversight on this process
colorization.

I think as someone pointed out, many people
pointed out, it's very important we know where this waste is
going at the end of the test phase. We don't want it stuck
in WIPP. People are saying, well, why don't you leave it in
WIPP. It's down there.

It seems to me that the whole WIPP issue is
basically sweeping it under the rug. It's like you have
spilled milk, you want to get it out of there, you don't put
it under the rug. You do something more, you put it down
the drain, you let it dry out, you do something.

I will close and let somebody else comment. I
heard people say they didn't envy you your position in
having to make this decision. Well, I do. I think the
State of New Mexico Environmental Improvement Division, or
whatever you call yourselves today, Environmental
Department, is in a unique position. You have the voice
that's perhaps the only voice that can point out the flaws.

I mean you can say to the DOE you know, if this
plan doesn't work, it is in a sense like the story of the
emperor. In this case I don't think the emperor has any
clothes, and I mean like the Environment Department will
have the courage to state that. Thank you.

MR. DUKER: At this point we would like to
recognize the next scheduled speaker, Melanie Smithson,
please.

MS. SMITHSON: My name is Melanie Smithson and I
am here today because like you I care about the future of
New Mexico and the future of our planet. I was here earlier
today listening to people speak and I was sobered by the
enormity of the weight NMED now carries on its shoulders.

I will state NMED recognizes the enormous impact
of the permit you have been asked to issue will have on this
planet's future. This permit, or lack thereof, will have an
impact on my life, your lives, our families and many many
generations to come. Please keep this knowledge in your
heart as you work through the seven volumes of the permit
application.

It will be easy for you to get tired and to want
to give the DOE exactly what they have asked for. Please,
please remember what you have heard here today.
The DOE promises that WIPP is the safest facility they have ever constructed but remember they have to date never constructed a safe facility. Safer than Rocky Flats can mean anything. The track record of the DOE tells us we must have our health.

I’m asking to start this process a little differently. We have new leaders for our country now who say they want to hear us. We must take some of the responsibility into our own hands and guide the leaders into providing us with the absolutely necessary safety precautions.

We have all seen the bumper sticker. If the people lead, the leader will follow. It is time for us to take the lead. I see NMED as the people we are asking you to lead. Lead us into a direction of caring. About every aspect of the permit, ask yourself is this the best I can do? Are the people being served, is the planet being served.

Many people I have spoken with have bought the theory that the waste is better stored underground than on site. Many of us in Santa Fe and elsewhere are learning that if we bury our own feelings they will eventually manifest the illnesses in our bodies. Burying this waste is the equivalent on a global level. Let’s bury it and not have to see it and remember it exists. This is in direct
violation of the law of the universe and the earth will not accept it.

Please know the process of writing this permit.

There are alternatives to burial and you don’t have to make this the solution.

Specifics of the permit that I would like you to look at:

1. Do not issue a permit until all of your questions are completely and satisfactorily answered.

Demand that DOE tell you why tests are being proposed for WIPP when scientists have said they can be done off site meaning at Rocky Flats or Idaho without having the additional risk of the transportation and fallen ceilings.

2. DOE says the waste will only come from Rocky Flats or Idaho. Make this a condition of the permit.

3. DOE says testing will take five years. Don’t give them a day longer.

4. Insist that every drum be sampled. We are dealing with mixed, hazardous and radioactive waste. Some of them combustible. A random sample is simply not satisfactory.

5. Insist on state oversight of the inspection procedures and determine and write the cost of this oversight into the permit cost.

6. Be so specific in the writing of the permit
that no question exists as to intent. Make sure enforcement terms of the permit. Again, don't be baited.

7. Protect us against the high content barrel not the low content or the average. I understand some of the barrels have barely detectable levels of hazardous or radioactive materials. If this is true then it stands that some of the barrels must be way above average. This is where our concerns must be focused.

8. I understand that instructions to WIPP employees, there are contingencies provided for as the boxes arrive of contamination outside the boxes. If the drums are packed in bins then packed in the sealed waste box then put in the foolproof TRUPAC how can there be contamination outside the boxes.

Please make sure the DOE answers this question before the permit is issued. I do have a question.

Are earthquakes covered under Chapter G of the permit process?

MS. BARATTI-SALLANI: Yes.

MS. SMITHSON: In conclusion, I would like to say that at recent hearings in Colorado the citizens said we would rather keep the waste here in Colorado if the alternative is to contaminate yet another site in New Mexico. This is called earth stewardship.

Let us in New Mexico accept the support and
guidance of our neighbors and make sure everything in our power to stop further contamination of our planet. WIPP is the precedent for the entire world in the handling of the radioactive and hazardous materials.

I give each of you writing this permit my support in standing up to the DOE and standing up to the Governor and doing what you know in your hearts you must. Write the strongest and most stringent permit you possibly can or better yet deny the permit altogether. Thank you for being here today and listening to our comments before writing the permit.

MR. DUKER: The next scheduled speaker is Rich Schrader.

MR. SCHRADER: Thank you for allowing us to speak tonight. I guess my first comment is I’m frightened by the fact that this test could lead to trucks transmitting hazardous waste down St. Francis Boulevard some day and I am very concerned for the help and safety of myself as well as my friends and people I share my life with.

More specifically about the technical aspects of the permitting process, a major discrepancy I see is that the DOE has applied to place one percent of the waste that eventually might be placed in WIPP when the land withdrawal gives them only point five percent. I think that’s a major discrepancy and I’m not sure why they are asking for a
hundred percent.

My second concern is about the quick time line that the Environment Department has placed on this permitting process. Putting a December 1st date to finish the permitting process. I don’t understand that because the National Academy of Science and Sandia Labs have criticized the plan for not having a long enough test phase period of five years to know what might happen over 10,000 years and in essence that means that the plan is not complete to DOE people are telling them that it’s not a good test plan. So I don’t understand why the Environment, my question is I have a question why is the time line of December 1st placed to complete the permitting process when the plan is not quite complete for DOE?

MR. GARCIA: First of all there is no December 1st deadline. To finish the permitting process we are looking at sometime in December or early next year, looking at notice of deficiencies to DOE Westinghouse, our requested submittals for additional information.

At that point in time we would ask for anything we feel is lacking in the application and that’s the date that you have in mind but it’s not a specific set in concrete anywhere. We’re looking at somewhere in December or January.

MR. SCHRADER: I urge the Environment Department
to not write the permit vaguely and until the plan is
developed by DOE do not complete the permitting process.

Finally I strongly urge the Environment
Department to place requirements on DOE to make additional
inspections and waste characterizations of what are in the
drums and bins especially since some of the drums and bins
have not been inspected since early 1970s. These drums may
have built up some pressures and might present health
hazards and to prevent the hazards I think these additional
requirements are necessary to have a direct inspection
instead of some kind of computer generated process,
knowledge inspection.

I want to thank you for allowing us to speak
before the permitting process is started, and for the health
and safety of all New Mexicans I urge you to work your
hardest to make DOE face all the possible requirements and
strongest requirements. Thank you.

MR. DUKER: The next speaker we will like to
recognize is Anna Katherine.

MS. KATHERINE: I have lived in New Mexico since
1981. One of the first big events I went to I believe in
1982 was an enormous outdoor dance with speakers,
fund-raiser at the Madrid Ballpark. It was an anti WIPP
fund-raiser. That was in 1982.

Dancing bodies in the hot New Mexico summer sun,
how could we lose. Here we are ten years later, ten years
of hearings, promises, scientific evidence, charges and
counter charges really coming down to the wire.

In the meantime I have begun to know this
state. Its mountains and arroyos, mesas and streams is a
land of great spirit and beauty and many surprises.

At one minute I'm in a forest of ponderosa
Pine. A few minutes later in a red rock dry wash, both
beautiful, just very different. At one minute in a stalag
type cave a wonderful fantasy world, a few minutes later at
the WIPP test site. What differences we encompass in this
state. I have come to know some of the proud heritage of
the native Americans and hispanics who have been here for so
long and some of the history and reasons for migrating of we
who have moved here more recently.

Despite our cultural differences what most of us
share I believe is a great love of this land. Is something
bothering you? Go to the mountains or to a Anasazi ruin.
Hunt, fish, hike, drive, watch the sky, the sun rises and
sunsets.

This land is restored to have a physical health
of our psyches. Along with our ever present awareness of
this land comes a relatively new concept, stewardship. The
land nourishes us. We protect it. Not only our economy but
who we are is intimately connected to this plays.
Can we afford in any sense of the word to risk this land and ourselves, our future. In an experiment clouded by so many doubts and unknowns. Lose rock, leaking water, compacting salt, radioactive slurry. At what rate of statistical significance can we risk this land? Can we risk who we are in our future.

So now here we are at the wire. At last the people of this state have a decision to make. Yet with incredible pressure from the federal government from those who will profit, those who don’t want it in their state to grant this permit. Test phase five year experimental phase implies a high level of scientific detachment and objectivity. No bones to pick. No powerful groups or personal egos to satisfy, no large amounts of money to be made, no political debts to be paid. None of these things are true.

Much weightier even is the 15 years of steady government pressure to build an open WIPP. A long and heavy weight of inertia will be steadily and ominously closer to us in large unmarked trucks. I can almost feel it even now.

Under the best of circumstances it is hard to reverse 15 years of push in one direction. It tends to make those pushing narrow and stubborn blind to alternatives like a bad marriage neither party knows how to leave. It certainly does not lead to scientific impartiality. In this
marriage we are the other party and now at last we can leave
with great courage and dignity. The balance of power
between federal government and states is intended for the
nation to institute large policies and for individual states
to look at their own geography, their own needs, and when
necessary to say no, we will not allow this. It does not
suit us or our land.

At the end of the five year test phase if it is
not successful where would that waste go? What provision is
there for it to go somewhere else. Who else would
conceivably possibly take it.

We have been battling for 15 years not to have
it here. Who else even if the federal government says it
will go there, who else is not going to put up the same
battle. Who else is not going to look at us and say no. We
don’t want what is happening to them to happen to us. It is
really up to us now to set an example to say it stops here.
We will not allow this here, and from that example can come
the imagination to find new ways to deal with this waste
instead of putting it where it will corrupt us and our
spirits. Thank you.

MR. DUKER: Thank you. We would like to
recognize at this time John Stroud, please. Is John Stroud
in the audience?

MR. DUKER: Thank you. I’m John Stroud. I work
for Concerned Citizens for Nuclear Safety. I'm not a WIPP expert. You have heard from WIPP experts and people with access to technical expertise on many of the issues associated with WIPP. I would like to make a couple of essentially nontechnical comments.

The first is that I think it's more than fair in your capacity as a permitting entity to consider the credibility of the entity that applies for the permit. In this case it's fair to ask what is the history of operations of the Department of Energy and what is this agency's credibility on environmental matters. They will be making to you guarantees of performance, promises of what will happen. It is, therefore, only fair to look at their track record and to look at their continued ability to perform according to those promises.

We all know the history of the Department of Energy and its government owned, contractor operated sites throughout the country. The history has been one of death, disease and environmental degradation from hampered Rocky Flats and Los Alamos in the west. The Savanna River in the east, and INEL in the midwest. At every site a record of violation of environmental law and at most sites violation of the very environmental law, RCRA, that the permit is being planned.

It is, therefore, only reasonable it seems to
me, that you must require in every case from this applicant independent verification of what the applicant says. This is not an agency that you can trust. Therefore, it follows that the permit must be specifically tailored to the actual test plan.

DOE doesn’t know what they’re going to do. The test plan has changed over the years just as the justification for the site has changed over the years. Usually it goes toward the most politically manageable plan. What is opportunity. It also means that you cannot take their word for waste characterization. It’s necessary that you impose upon them the obligation of characterizing the waste and its also necessary that the state provide its own independent verification of the waste.

What is it that appears to be critically important to determining whether the site can qualify for long-term disposal standards? You have to know what it is in order to as legitimately as possible make that very long-term prediction, so you must, I would submit, independently verify what they’re saying about the wastes.

It is also necessary since this applicant cannot generally be believed, that interim storage of waste at the facility must be prohibited and a specific site where the waste will be taken if the facility fails to qualify for the disposal standards must be specified in the permit.
application.

Promises from this agency that they will simply remove the waste somewhere if it happens to be necessary would not appear to be sufficient.

I would like to mention one other nontechnical matter and that is, recent events over the recent years and just over the recent weeks have added great impetus to the growing recognition of the necessity of environmental planning in every stage and every activity of our society. It appears that this point to be a notion that can be implemented as high as the vice presidency at this point. That trend is reflected in what New Mexicans think.

New Mexicans, the poles show, by a plurality, do not want this facility in the State. If, nevertheless, the State, due to its lack of political power has this facility thrust upon it, it is nevertheless fair to read those citizens then as saying if we must have this facility we want our state government to insure that it meets the very highest standards.

You have the power to do that and you have the support of the people that I trust will encourage you to do that. A new wind seems to be blowing. I certainly hope it can be felt in this State and in counsels of your deliberation. Thank you.

MR. DUKER: The next speaker will be Penny
McMullen of the Sisters of Loretto. Is Penny McMullen here?

MS. PENNY McMULLEN: I am the justice and peace coordinator for the Loretto Community in New Mexico. The Sisters of Loretto have been working for the people of New Mexico for 140 years beginning 60 years before New Mexico became a State. Last year the president of the Sisters of Loretto welcomed the presidents and leaders of women religious from all across the nation gathered in Albuquerque for their annual conference. I quote from her welcoming speech.

New Mexico with its reach mixture of cultures, its sacred mountains, high mesas, Intertribal Indian Ceremonials. New Mexico, the home of the most sophisticated precolumbian Indian civilization in the western U.S. at Chaco Canyon. New Mexico, the land of hogans and sweat lodges, artists and artisans, and the spiritual healing ceremony of sand painting.

It is because of these qualities that New Mexico is an international favorite for tourists. We do not want to risk destroying the beauty and culture of this State by allowing even the tiniest possibility of radioactive or toxic contamination.

When I lived in New York, I worked with Dr. Burtel (sic) who was internationally recognized for her research on the effects of low level radiation on nuclear
workers and the surrounding environment. The discovery that impressed me the most was that radiation damages the genes of the people exposed which causes severe and irreversible birth defects. This damaged gene has been passed on from generation to generation forever.

Today most scientists agree that the effects of low level radiation are much more serious than we originally thought. Many scientists agree that there is no level of radiation exposure that can be called safe. This is mainly because radiation has a cumulative effect now commonly called the Pethgow effect. Each time you are exposed it builds up in your body.

Now another word for test is experiment. Each situation in which the U.S. Government has experimented with radiation in the past, people have contracted and died from cancer. The people experimented upon have been minorities, rural people or military personnel who ended up being throw away people.

Almost every hazardous waste dump around the nation is in an area where higher concentrations of minorities reside. I will attach the list to the written copy of my testimony. If we have to be the next group of minorities and rural people to be the government’s guinea pigs, we want to be assured that we and our children will not be poisoned.
Some of the people of Carlsbad want the WIPP site to open because they need jobs. The workers’ health and their children’s health must not be jeopardized so it is extremely important that you, the New Mexico Environmental Board, take every care in writing safety standards to insure our protection in every conceivable possible danger arising from the operation of the WIPP site. Here are the recommendations I present for your serious consideration.

We need a procedure that will allow test officials to know exactly in detail what is in each drum. The Environmental Board needs its own independent inspector to contract the waste during the packaging process at the site where waste is generated. New Mexico should not have to bear the expense of this, so any permit needs to include all the expenses of all needed inspectors. This careful tracking of the waste is especially important for the inevitable occasion when some of the waste will need to be repackaged at the WIPP site because, as you must know by now, the EPA has indicated that certain waste may not be safely mixed.

The permit must require a plan for absolute retrieval of all waste if the WIPP site should prove to be unfit for permanent storage. This means the retrieval plan needs to include an explanation of how they intend to retrieve all contaminants if there should be a leak, taking
into consideration the karst condition, which could spread any leakage incredibly fast.

This plan also needs to include the designation of another site for storage of the waste taken from WIPP. No part of the WIPP facility should be allowed to be at a temporary site under any circumstances. Since the test rooms have always had to be rebuilt three times within the five years, the DOE must be required to submit plans for dealing with the probable event of the test rooms continuing to buckle of collapse. Some scientists claim that gas will accumulate in the room, increasing the pressure and causing the cavern walls to inevitably crack and leaking poisonous gas back into the atmosphere.

DOE should be required to conduct pressure tests with the non-poisonous gas to prove that the rooms will not collapse no matter how high the pressure.

Now, realize this hearing is in regards to the permit for a test phase only. However, the test phase is to prove the safety of a permanent waste site. Therefore, since some of the waste will include some plutonium and plutonium is fatal for over 240,000 years, DOE should be required to prove, as a result of the test phase, that the WIPP site is safe for that long.

Duly recorded history only covers a few thousand years so I honestly cannot imagine how anyone proves safety
for a period of time many times longer than any nature or
culture has endured, but you, the New Mexico Environmental
Board, must acquire that in order to ensure the safety of
our future citizens.

If the DOE plan does not prove safe for 240,000
years, you have the right and the obligation to refuse the
permit for permanent storage when that time comes. Now, the
EPA standards only say 10,000 years, but that's the limit.
I mean that's the minimum and we can be stricter than that,
as somebody mentioned before. It doesn't make sense to say
that the plane is safe to go all the way to Australia. It
can only go so far. That's all that is proven. So for now,
the permit for the test phase should require that the DOE
tests are designed to prove safety for 240,000 years.

And then I have a question of Susan Collins.
When you talked about the fact that the DOE could revise
their application, can they do that just once and then
that's it, or can they revise it and then revise it
indefinitely?

MS. COLLINS: I just needed to verify. We issue
the Notice of Deficiency based on the revised application.
If the State is not satisfied with their response, we can
issue an additional Notice of Deficiency.

MS. McMULLEN: And then you do this indefinitely
or is there a limit?
MS. COLLINS: Ginny, would you answer that?

MS. NELSON: I'm Ginny Nelson and I'm the attorney for the agency. I'm not, let me restate your question because I understood your original question to be once a permit was issued. I think Susan --

MS. McMULLEN: No, the question is the application and then they have a chance to revise the application, how many times can they keep revising?

MS. NELSON: Okay, there's no specific time to it. It's up to the discretion of the agency on how much, how close the applicant is responding, how much good faith, for example, is demonstrated in the quality of what is given, so there's no number in the reg itself. It's not there, is one time or two times or 10 times.

MS. McMULLEN: Thank you.

MR. DUKER: Thank you. At this time I'd like to recognize Dan Kerlinsky with the Physicians for Social Research. I'm going to move on to the next one here. The next person we would like to recognize is Peter Cummings.

MR. CUMMINGS: I'm Peter Cummings, and I'm a resident of Santa Fe and I'm speaking on behalf of the earth.

The earth which was once pristine and benign is now tainted. Forever spoiled by radioactive substances. It is like a drop of ink being introduced into a glass of
water. Into the fragile connectiveness of all organisms and
all matter on the planet has been carelessly thrown into
this poisonous fire.

This lethal ostrich should not bury its head
until national security is redefined. We demand healthy
water and air and a clean and safe environment. This is
national security and we demand full disclosure and
accountability. No more lies, in other words. For example,
we want verification of what goes into each barrel as has
been said so many times. And someone from New Mexico should
witness and verify this accounting.

WIPP has no onsite method to identify the type
or types of wastes being stored. We must check our moral
fiber and our courage and our conscience when we look into
our hearts and into our deepest nature we find that all of
us know this monster of political and economic expediency is
dead wrong.

The site is unpredictable, it is therefore
unsafe. Water, the plants blood stream, is present in the
caves and cave rooms are known to have collapsed. There is
no contingency plan for salt room cave men. The very
premise that we should hide this nuclear waste instead of
looking at it basing it and conscientiously caring for it is
dead wrong.

This issue is presented to us as some kind of

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teacher. We must identify what it is that we are being
instructed by this. What are we being shown about
ourselves. This decision, by the permitting authority, has
longer range implications than any other human act in the
history of man. How can we proceed in this if there is the
slightest doubt about the environmental safeguards?

To begin with, this panel does not have the
technical competence to rule on this issue. No one has the
answers regarding mixed waste. We are very premature in
these deliberations. New Mexico is being charged with an
enormous responsibility, a momentous decision for
civilization. The outcome of this test case sends a message
across the world. It has a long, long range impact on all
of the planets lifelong.

Clearly due to New Mexico’s mere five electoral
votes this beautiful desert becomes the nation’s radioactive
outhouse, the sewer. As a trend, the rich and powerful
emptying their bowels into economically deprived backyards,
with paradine ruling all over the world. And this
particular poisoning lasts forever.

Are we going to let this happen here? The worse
trash in history will be in our backyards until the end of
history. Rivers flow south of the border in Texas as well
as Mexico, which is nearly a third world as New Mexico,
should be horrified by the prospects of this barrier. Who
will be raising their children in Carlsbad or Lubbock. Who
will be drinking water from the Pecos River, irrigating from
the Rio Grande?

We are living now and this substance has been
introduced into our lives. It is truly in our midst. It is
part of everything and therefore it is part of us. We can
not turn away from it. We have given birth to a monster
child with a life span over 5,000 times as long as a human
life. 15,000 generations.

If we lock it away and try to ignore it rather
than integrating it and with the utmost care locking us
conscientiously into the web of our lives and intelligently
embracing this dark side of nature, our nature. In other
words, if we don't face it, then this lethal shadow is cast
over us and into our spirits.

The dangers to everyone, the eventual
responsibility is for everyone. You know the producers of
this waste may not be fully equipped to care for it. They
must take initial responsibility for it until this poor
solution is made safer than it is or until a better
alternative is discovered. As it is the DOE is trying to
sidestep their 25 year regulations to get away with setting
a less stringent precedent down in the caves in Loving, New
Mexico. It is the chilling irony, Loving, New Mexico.

MR. DUKER: At this point we can add one person
in here and the first one I have on my list is Quida
McGregor, with the Santa Fe City Council. Is that person
here?

MS. QUIDA MCGREGOR: I would like to thank Judy
Espinosa and the NMED for giving us the opportunity to talk
before the permit is issued. I would like to sit here
tonight and argue the hazards of the site. The problems of
collapsing ceilings, of water tables. But others before me
have done that and done it more eloquently than I could.

I would like to open my heart to you and speak
of the false paradine that we have constructed which values
death and darkness over life and hope, but the gentleman
just before me spoke of the earth and her sacredness in more
eloquent terms than I could.

I am here because I'm an elected official in a
small town in this state. I'm here not to talk about the
universality but perhaps some of the more parochial issues.
So while I personally can think globally and spiritually
about the earth, I have taken a solemn oath to act locally.
There is no way that I can sit and ask you tonight not to
consider this an issue of public health and safety. Not
only for the state as a whole, but for all communities along
the route to the WIPP site. Yet I who have taken an oath to
protect my community and its health and safety cannot
protect my community from this. Only you can and you must,
and it is your charge and your responsibility.

My understanding is that Alabama courts found
that the permit process is to take the place of the normal
NEPA. If that's true, then my understanding is the right,
you have the right under this to question the need for the
project itself. I strongly advise you to do so and do so
with all your hearts. I understand that you can refuse to
issue the permit. I also understand that the Governor
doesn't want you to. I pray you do it anyway. I pray you
think about it.

But when it comes to political rallies, those of
us who are elected officials know that that may not happen.
In that case and I have to doubt political reality, I would
also feel very much better if I knew that you had the intent
of writing a permit with such a great detail and specifics
that there wasn't one undotted I or one uncrossed T. I
would like to know what's in each and every barrel, in each
and every truck with a manifest, so as it goes through these
communities on our way, if we have an accident, we in these
communities can help avert total catastrophe.

I would like to know whether a New Mexico staff
person watched each barrel loaded and would notify those of
us along the route of that manifest.

This impacts my community and all the others. I
would like to know that you knew exactly where the materials
would go if the test failed and how and if they can be removed. This impacts my community and others. I would like to know that you will state in the permit that there will be no liquid discharge, that there will be no groundwater contamination ever. Because anything that affects our waters downstream and our water obligations, affects our upstream availability, so it becomes the most parochial selfish interest to make sure that the water is protected.

I would like to know that all these and everything is being demanded, that you are asking for ongoing testing and training, not just a one time when you start your job, you’re trained to work in this facility, but that there is weekly or monthly emergency testing and actual -- excuse me.

In all of this I think I could feel good if I know that you are assuming absolutely nothing and taking nothing on faith. The document you write must be a model for public interest. We know from Rocky Flats, from 1600 waste sites at Los Alamos and from Hanford, that DOE won’t protect it. Therefore, I beg of you, please, please protect us all. Thank you.

GOVERNOR HERMAN AGOYA: Good evening. My name Governor Herman Agoya. I’m the Governor of San Juan Pueblo. I have no prepared speech to make this evening but
I do want to express my concern and I think Mr. Cummings, right down to every word that he spoke this evening, expresses my concerns, my sentiments, and I think it's safe to say that what he said tonight applies to about 99 point 9 percent of all of us who feel that way about this whole issue of storing waste at WIPP.

I think that it's unfortunate that this project has gotten to the point where it has and I know that the people here who have spoken basically are saying we don't want WIPP, yet at the same time I express and hope that whatever the permit allows would make it safe for us, and I think in a way we might be sending a mixed message to all of you. And from my viewpoint I think we should not allow any storage of hazardous waste by the WIPP. And I think all of us feel that way, but somehow living in America we want to have hopes that things will be safe for us, but I think there's ample demonstration that says that there is no way that anyone can guarantee us how safe WIPP would be.

San Juan Pueblo belongs to an organization known as CERT, Counsel of Energy Resources Tribe, and just recently we spent a couple of days exploring this issue because there are Indian tribes who are participating in the storage of nuclear waste and much of the energy, the raw materials that are produced, that produced these nuclear wastes come from Indian lands, so Indian tribes need to
assist theirselves like you have to, whether to allow a
permit or not, and in that discussion I learned and I heard
that the best scientists out of Los Alamos were sent over to
Hanford and there was no way that they could determine what
was in those barrels, so how can you measure the impact?
How can you measure when the best scientists don't have any
instruments and they cannot say for sure what's in those
containers. And I think that's what we are going to be
faced with at WIPP.

And so my message to you tonight is not to allow
the permit. We can have all the hopes that we want to, but
there is no way that we can be assured of how safe WIPP can
be. And my ancestors as they journeyed on this part of the
country, stopped in New Mexico because they know it was a
special place, and I don't think New Mexico will no longer
be a special place where people want to come. You've heard
testimony tonight about what draws people to Santa Fe, to
New Mexico, to the southwest. I think all of that will be
lost if we allow WIPP to continue. I think the, we can
learn from the wisdom of my ancestors, and it's sad that we
continue to degrade our lands.

I think there was a reason why Chaco Canyon is
no longer inhabited. I think the great civilization of what
was once the Aztec empire in the City of Mexico, that city
is sinking, it's polluted, and I don't think we can afford
to have another Mexico City or have a place abandoned like Chaco Canyon. So thank you very much for this opportunity to speak.

MR. DUKER: We are scheduled for a 10-minute break. I’ll be back to start this precisely in 10 minutes.

(WHEREUPON, a recess taken.)

MR. DUKER: Okay, ladies and gentlemen, let’s begin where we left off. The chair would like to recognize the next speaker, Stewart Watts. I’d also like to make an announcement at this point. We have a lot of additional people who were not able to sign up for a time slot that have notes up here if they can be worked in. There has already been a couple of the schedule speakers who indicated that they would be willing to share some time. If any of you can afford to share a little bit of your time please let me know when you come up here to speak so I try to work these other people in as well. Thank you very much.

Stewart, the floor is yours.

MR. WATTS: My name is Stewart Watts. I’m on Bill Richardson’s committee for Health. I have owned three naturopathic schools in the Santa Fe area. I’m on the regulatory board of Department of Regulation and Licensing, and as a civil servant such as yourself, I recognize the responsibility of my role as such.

I’m very grateful to you’re making public
comment and I know that you’re doing it outside of your
normal thing. I have drawn to tears today listening to some
of the comments that I’ve heard, and I hope that you have
been too. And I hope that it does touch your hearts and you
hear deeply what has been said.

I want to state that the subjective nature of
this hearing is equally as important as the technical nature
of this hearing. I would also like before I get into the
part of my material, if I could just take out 10 seconds of
time for silence for the millions of people, million of
people who are dead and in the process of dying because of
this devil that we’ve created. And I hope that we can find
a way to put it to rest.

Again, I would like to remind you of the
responsibility of the Department of Health to the State of
New Mexico, and you are here to protect the citizens of the
State of New Mexico, and in doing such I would caution you
against being overrun by Department of Energy and their
agenda, that you create your own agenda and solemnly stick
to that agenda for the citizens of the State of New Mexico.

My sources tell me the testing for WIPP does not
have to take place in the State of New Mexico. I would
encourage you to support that action. It’s bad enough that
we’re the garbage can for the rest of the country. I think
we don’t need to be the test garbage can for the whole
country. I’m concerned that all the barrels of toxic waste in New Mexico will not be looked into properly and I do caution you and I will ask you to look deeply in each barrel, open it, check out and see where it is.

As a student of scientific process, I must say I do not trust the scientific process and I see that the scientific process has been used against us. It’s been used against us for financial interest and I see that in this process here and I quote to you what’s been happening in Los Alamos recently with reports of cancer. Los Alamos is considered the most elegant place where nuclear research has been done in the past. And if they can’t contain their nuclear waste and their nuclear resources, and they have a higher increase of cancer, how do we expect the citizens of southern New Mexico to be guarded against the same kind of pollution?

And the scientific process, once there’s a stated cancer research suggesting that there is increased cancer in Los Alamos, all of a sudden you have to go back and say, "Well, there’s not enough data" even though there has been eight years of testing on this, and so what point is really brought out to bring out the truth. Speaking about truth I do want to remind you the Department of Energy had to be investigated by the FBI not less than a year ago. For them to come out with evidence in Rocky Flats, and I
would encourage them to speak the truth as public servants prior to being investigated by other agencies. And it saddens me that we have another agency which is the servant of people to bring out the truth. And I would hope that you in your consideration in your workings with DOE will take this into consideration.

How are we going to insure the safety for the amount of time that we’re talking about? We’re talking about a hundred thousand years. I don’t know what a hundred thousand years is. I can barely figure what 10 years is. I know that 2,000 years of history has existed since the birth of Christ. Has been major changes in the evolution of man and I’m not sure we’ve really gained in any way from that, in many ways we have, but I’m concerned where we’re talking about 2,000 years. It’s such a long period of history but now we are dealing with garbage for a hundred thousand years. How are you going to assure that that is contained?

Besides being a physician, I’m also working with Emergency Medical Services of the State of New Mexico as an emergency medical technician. I have had very little training has been brought to me in the education of what to do in the nuclear problems, not because I don’t seek it, but because I don’t think it's really available in the State. I don’t think the hospital here in Santa Fe is ready to deal with a nuclear accident because of a truck or whatever. I
don't think there's enough training medically and I would like you to look into that if possible.

Also I'm concerned about the roads. Just recently I was traveling up from Carlsbad and I recognized the road as being rough. They're very rural. Very likely to have an accident, but I'm more concerned even with the roads themselves is the protection along the roads for the trucks that are going to travel it. I recognize that if this thing goes through, I think a lot of people are going to be pretty upset and I think we're just snowed over. And I'm concerned that not only will there be nonviolent activity against these trucks, but there will be violent activity against these trucks.

I don't know how the State of New Mexico is going to assure against it. I just don't think there's enough police to protect the roads. And I'm concerned about people's reaction to this when and if this goes through. So I would like to see the roads secured. I would also like to know who the money makers are behind this and who is gaining the financial rewards of this particular project, the WIPP project. I don't know if there is a list available. I would like to see that, who's getting paid.

I also would like these companies which are making financial reward be held financially responsible and in such I would request that the State of New Mexico ask the

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company to put a bond on these companies if there is a nuclear accident and I would like to put a bond for a hundred thousand years.

I have lived in the State of New Mexico for 15 years. I probably personally brought into the State over 12 million dollars and what you have done to my State or this State, our State has turned it into a garbage can for political reasons, for whatever reasons because maybe we’re not strong enough politically to resist the U.S.A.

But we all know that we don’t want to live in garbage cans. We don’t want to live in a garbage dump. I don’t want to live near a garbage dump. I will leave this State when this goes through, and along with that I will leave the financial capability that I have in this State. And one of the ways you ought to realize the impact of this is that not only will you make a trash can that not many people will live in, but you’ll find many people that have financial impact that will leave this area, and that will financially impact the area such that you will lose more jobs. It really is more important than just a few jobs in Carlsbad area. I just want to thank you for your time for listening to this. Thank you.

MR. DUKER: The chair would like to recognize the next speaker, Elise Berlin. Not here. John, I believe this is Ussery?
MR. USSERY: Hi, I'm John Ussery, a citizen of El Rito, and last night when I was preparing for this I came up with a number of questions that I did address and I will go over that plus some research I did this afternoon. And I think the hazardous waste permit for WIPP, the experimental phase must above all guarantee safety, not just for the workers or the immediate site, but for all of WIPP's neighbors for the next hundred thousand years. And whatever species they would be. We keep thinking of numerous concerns, but things change and this impact we make will affect everything.

The experiments done during this phase must be designed to conform to scientific validity that they can be projected to cover this long long time frame, and in the waste used during this experimentation must be sufficiently known so you know what is happening during this experiment.

An adequate means for testing and monitoring the site must be in place so that we can monitor leakage and anything can be detected before it migrates. And then I was really concerned about what quantities are in place for remediation of contamination if any should occur. But most of those points were pretty well covered so I took an hour and a half and I went over to the library and actually looked at the application and I was shocked.

There are some real wide open holes that really
frightened me and I was wondering what was really going on here. I just skipped along here and I haven’t had time to organize it.

Chapter E. One thing I discovered, I guess that really concerns chapter E as well is that WIPP will be operated under a non-migration waiver. Now, the waiver says that nothing will be leaving the site. No hazardous waste will leave the site. That means no-migration. Then there is a circular part of logic in chapter E which says because there will be no migration of waste and that preliminary data shows there are no aquifers that could be reached during the 10-year period, then there’s no need, there is no requirement for monitoring of groundwater for contamination and that’s really scary to me because how do you ever find out if there is contamination if you haven’t put the monitor in place. So it’s a circular piece of logic fails to excite me except in a very dreadful way.

The other thing is that there is an assumption that less than one percent water in the containers so that there is a worse case scenario of 6 point 6 gallons of liquid in the site. But then when you get later into some of the preventive measures and the fire fighting like they do mention there’s a 24-inch water pipe coming in providing the site with water, and then there’s a 360,000 gallon tank on the site as well. So that’s, I think that’s an acre foot
which is quite enough to change that 6 point 6 gallon
estimate into having an entirely different scenario, so
there's justification for not concerning oneself with the
migration. It looks pretty hollow to me. There is going to
be the chance for water. I'm a New Mexican. I know Murphy
lives in New Mexico, Murphy's law is one of the best
enforced laws we have, so if there's a chance for something
to go wrong it will do so at the worse time in the worse
conceivable way.

I'm a little concerned that although the water
wasn't going to be in the flood plain or aquifer we would
pipe it in and give it a chance to bring it in, so who
knows. That doesn't happen, but I think it should be
considered in the waivering, you know. I think we better
monitor for it just in case something gets wet.

Chapter 5. So there's the procedures to prevent
hazards. Here's another little circular of logic. We have
the sampling to be done of all the waste before it is
shipped. And this will be done by sampling the head gases
in the containers which probably a gas chromatograph, like
you can take a sample of the gas and see what is being
emitted from the substances that are in that container.
Well, that's great at the time you're shipping it, and
that's an abbreviated way to see what's in there. But the
funny thing is that this is also being used because they're
saying we will test and make sure that no flammable
materials or ignititable materials will be in these
containers.

Since there will be no flammable materials, the
WIPP site is then exempt from the usual regulations and
precautions that would normally be applied if, and this
doesn’t make sense to me again I’m a believer more in Murphy
more than I am in science.

It is especially odd, taking a look at the
Hanford experience, they have wet wastes up there and
there’s a difference. And they have these million gallon
tanks that are containing about 90 percent of the periodic
table. This is what a mixed sludge is. Now they’re having
major problems because every 120 days the sludge turns over
and burps. Now, it doesn’t burp so much like we do. It
releases hydrogen gas and nitrous oxide. The two together
makes a great mix if you are building jet fuel so the
assumption that there will be no flammable gases there I
think may not be the soundest assumption, that these mixed
wastes, they may not be there at the time that it’s packed
or the time that it’s shipped, but we’re looking at a very
long time here and what we do know about nuclear chemical
decay is that it leads to evolution of smaller molecules
such as the hydrogens in the flammable gases. And this has
to be addressed. So that’s another thing I really got
concerned with.

Also the whole thing about non migration. Well, how are we going to keep the gases from getting to the atmosphere. Well the system provided is carbon absorption filters, which I guess if we think activated carbon we’re not far off, but these filters are to be inspected, I believe, once a week. And I was back to Murphy what happens when you have a fire? Let’s say it’s a fire due to these volatile gas buildups, and you have these carbon absorption filters which are your major barrier to the atmosphere loaded with this jet fuel. Now, I think when it’s fully ablaze they will make the best barrier into the atmosphere. Rather I think we will have quite a mess and there should be no particulates. This is not supposed to be in particulate form, but once you start having things go crazy in an underground chamber, could be real trouble. So the idea of exempting the WIPP and their test regulations from the ignitibility of reactive waste control regulations, I think is just totally false. It has to be reevaluated and should not stand to remain.

I sort of want to ask a couple of questions from people here because I think that’s what this hearing is all about. Okay. I want to ask this of the State because looking at things, the DOE does the sampling and the testing of the -- okay, I will try to make this quick. DOE does the
testing of the materials. They maintain the records of what's happening there and they also have to make the reports to New Mexico. Where does, where do we have any say as a State in this? Where do we intervene in this process? Where do we have the resources to do so? And I want to also ask Westinghouse, as the operator of WIPP and the designer of the procedures for these testing procedures, aren't you very much like the goat watching the cabbage patch?

One of the other questions is what is the company's role in making these decisions about whether WIPP is deemed a suitable site or not. As I can tell, the footnotes seem to have Westinghouse as a primary author, so again we have that circular kind of relationship.

And I wish I had time to get answers on this because I also want to know what effect would a negative evaluation of WIPP have upon Westinghouses defense nuclear-related business? What effect does that have on their whole bottom line not just this one plumb. And I guess the other one for DOE is given the history of the false indication of data or the non release of relevant information and all of these economic pressures make the site an approved site, what assurance do we have that any proof of none compliance would ever reach the public? Is there anyway that we can have access to these records? The project is meant to last 10,000 years. The records are
required to be kept for three. It really bothers me. There should be a better closeness of scale. These should be permanent records. If we are measuring what’s going in there, shouldn’t we know for as long as they’re going to be there what these things are?

So again I guess I better just end with the question of time. It’s the one variable we have no control over. It’s a flash of atomic weapon and it’s just a fraction of a second, but the more common nuclear transmutation decay is something that takes long slow, we keep hearing half lives. These are things that we have to prepare for. We have to predict the reactions. We have to understand their effects upon the whole environment. I have heard people, a lot of people speaking on the spiritual aspect and the economic aspects. I just want to ask a couple of little technical things, but if we’re preparing a planet that’s going to affect millenium, can’t we take the time we’re going to need to decide? November 25th deadline, before Thanksgiving is all the time we have to present written comment? I only spent an hour and a half researching. I’m sure that more of us can spend a little more time if we have to do it this week or next. This is a weighty question that really needs an extension of a deadline. Thank you.

MR. DUKER: At this time we would like to call
on Jay Coghlan.

MR. JAY COGHLAN: Thank you for this opportunity
to offer comment. Before I start offering technical
comments, I would like to touch upon some broad elements
that I feel need consideration. These elements are the
proper scope involved in this RCRA permit application
process and the relationship between the Department of
Energy and the New Mexico Environment Department. As to the
scope of the inquiry that should be employed in this
permitting process, NMED must consider the real need for a
test phase at WIPP. The credibility of this proposed test
phase has been seriously undermined by reports from the
National Academy of Scientists, Sandia National Laboratory,
and the State's environmental evaluation group, and NMED
should certainly be influenced by these reports.

Perhaps more directly relevant the courts have
ruled that a RCRA permitting process is the functioning
equivalent of an environmental impact statement. The
National Environmental Policy Act mandates that
environmental impact statement must include a consideration
of a project's needs and alternatives to that project, and
NMED should therefore take this as a mandate to consider the
rationale for this test phase in possible alternatives. The
failure to do so could carry with it the burden of possible
legal challenges in the future. An inquiry into the need
for a test phase at WIPP then grapples with an uncertainty. The proposed test phase is essentially to confirm that boxes of waste placed within bins do not leak outside these bins. Where is the need to do this underground at WIPP in chambers whose stability cannot be guaranteed.

Wouldn’t these experiments be better conducted at the sites of waste generation? Why couldn’t workers, the public and the environment at the risk of unnecessary handling and transport. From there an inquiry into need must consider the intended use of WIPP.

The recently passed Land Withdrawal Bill limits waste for the test phase at one percent of capacity or 4500 barrels. Therefore, I can deduce the total capacity of WIPP is 450,000 barrels.

DOE’s 1989 integrated data base puts potential WIPP certifiable waste complex wide at 160,000 drums. What then is the need for the remaining two-thirds of WIPP’s capacity. Is WIPP really what DOE represents as some kind of a solution to the existing waste crisis or is it the means to insure the preservation of the nuclear weapons complex? Where is the rationale for WIPP’s remaining two-thirds of capacity when it’s certain that the weapons complex will be down sized perhaps radically so and there are presently no new war heads scheduled for production.

On DOE’s NMED relationship, DOE has little
credibility in its dealings with state government. DOE has been aggressive in recent litigation against three western states, one of whom is New Mexico.

All these suits have sought to limit the State's ability to protect their citizens. DOE does not provide satisfactory information to NMED to enable it to make an informed judgment in the permitting process. DOE's record is one of providing minutiae in selected areas while remaining vague in other areas. This in effect diverts attention, depletes the resources of regulatory agencies, and prohibits the development of comprehensive overviews. Where are detailed plans for waste characterization and retrieval of waste should these tests fail? These two items in particular are essential for an informed permit approval.

DOE should not be allowed to rely on statistical averages for vague assurances. Submission of incomplete data should be grounds for permit denial and offers no basis for a rubber stamping of DOE plants.

The state has never had an aggressive enforcement program in place to safeguard its citizens in the environment. In the 50 years of operation here in this state no major fine has ever been levied against the DOE facility. Los Alamos, for example, remains in chronic violation of the Clean Air Act, Clean Water Act and the RCRA
Mixed Waste Disposal Regulations. NMED should be put on notice that the public will no longer tolerate this lack of will to enforce. Furthermore DOE is often contemptuous of those NMED staffers who are earnest in exercising their duties. A recent example is that NMED personnel will undergo, were forced to undergo multiple strip searches and were warned that there would be no warning shots should they stray while performing routine oversight duties at Sandia. None of this bodes well for the states oversight of WIPP.

Now as to the technical comments. DOE does not have a record of openness and veracity. In the face of that record, an informed observer must be very skeptical of DOE's assertion that process knowledge or statistical averaging will suffice as a methodology for waste characterization since we're faced with mixtures of radioactive hazardous pyrophoric and volatile materials, precise waste characterization per barrel and per bin must be employed at the site of packaging.

DOE must address in detail the potential ignitibility, reactivity and incompatibility of waste. Furthermore, NMED personnel should be permanently positioned at the packaging sites at DOE expense to independently verify waste characterization. The management of the waste bins must be spelled out in great detail, including the frequency that the bins will be inspected underground and
storage of mixed waste will be much improved. We don’t want to make any decisions now that will be irreversible at the beginning of this period of time.

This is why our organization also supports monitored retrievable above ground storage for now study of alternatives to the WIPP site. Our basic view of the WIPP site is just a deeper hole in the ground and we believe that the Department of Energy and our great national laboratories can provide much better solutions than just digging a deeper hole.

WIPP waste must be retrievable. We’re concerned that leakage, brine corrosion or chamber roof collapse will contaminate the site and make WIPP waste non-retrievable.

The containers of the true mixed waste are inadequate for the long-term storage period that we’re considering here. This is one factor in my own consideration that made me view that we have not given adequate study to this problem.

We have materials, technology, expertise available right here that could easily develop containers to house the 55 gallon drums in something that would reduce site contamination. We know in New Mexico the oldest artifacts that we have are made out of ceramic. The ceramic fragments of pots and bowls are the things that have lasted hundreds and thousands of years. Both ceramics and plastics
could provide relatively cheap housing for these drums that could be implanted with retrievable signal devices and other kinds of information that would prevent them from being broken open.

Our organization, like the National Academy of Science, sees no scientific merit in the so-called test phase.

Earlier this year our Physician’s Task Force released a report indicating the Department of Energy has continued a pattern of secrecy and deception with regard to workers on site and off site contamination. We believe there’s cause to consider that this pattern may be ongoing.

Therefore, we call on the state to require that this test phase meet true scientific standards which, as you are aware, are much more stringent than waste disposal standards, typically requiring integrated reliability and repeated measurement of the same information to show that the information that’s being measured is reliable and not just a single measurement of the drum but repeated measurements by different instruments which have been standardized would actually be much closer to scientific standards.

No waste should enter the sites if these elements have not been precisely identified in detail and quantity, not only by the Department of Energy but also by
state inspectors and we agree the federal money should be provided for the state inspectors.

We're concerned for the health risk of opening these drums, therefore we call for the state to require the development of technology which would allow non-intrusive scanning of the drum contents. For example, in our medical profession nuclear magnetic resonance can provide precise identification of elements and concentrations of various chemicals within the body. This technique was developed in the chemistry field and could be applied to study of the drums.

There's no reason LANL could not develop an instrument that would be able to put a barrel in it and would be able to read out what are each of the chemicals and the concentrations of the drum. And that's the kind of information that would be required for scientific study. If they want to call this a test phase, let's make it a test phase and scientific. Let's know exactly what is in the drums and study them precisely, not just to see whether they're dripping or not.

We know LANL can do a better job but we, the state has to require this. 200 years ago our founding fathers developed a system of checks and balances to preserve our freedom. The federally created nuclear waste and mixed waste at these sites is a federally imposed health
burden and we require the system of checks and balances to protect our health and safety for ourselves, for the pregnant women in our state, for the children they will deliver tomorrow and ten years from now and a hundred years from now.

Our organization has repeatedly pointed out the Department of Energy's conflict of interest in the matter of protecting worker and public safety. The RCRA process and the state role is vital here. DOE is now paying the State to monitor, as I understand in some ways, and we're concerned about the potential conflict of interest of taking money from the DOE to monitor the DOE. This is a federally created health risk, the federal government not through the DOE, providing the money to the State to monitor this would be a better guarantee of the states after this in providing true checks and balances.

We know the amount of waste, for example, in New Mexico; for example in Los Alamos National Laboratory; for example in area G, is much more greater in quantity and in health hazard than the drums that will be coming to WIPP.

WIPP is the first new DOE facility to be built in numbers of years. This is an important test of the State's willingness to take a greater role of activism in providing the checks and balances that our forefather's saw as so important to preserve the freedom of our people. And
I would like to encourage you from our organization to view yourselves in this process as providing the needed checks and balances on this process. Thank you.

MR. DUKER: The next scheduled speaker is Garland Harris.

MS. HARRIS: My name is Garland Harris, and I'm a member of Citizens for Alternatives to Radioactive Dumping. We're based in Albuquerque, New Mexico. I want to let you know that we have been having a rally outside these offices because of the narrow focus of these hearings and because for many years many many New Mexicans have been opposing WIPP and we didn't want to miss this opportunity to get together and state our reasons for opposing WIPP in a public forum.

Many of us have expressed them to you but we wanted to express them in solidarity outside. We have opposed WIPP now for more than 14 years and we opposed it from the start for reasons that were mentioned earlier today which was the geological unsoundness of the site itself. We continue to oppose it because of the transportation dangers as well as the geological faults, and we also recognize that we are now in a new phase of an end to the cold and it should be an end to the making of nuclear weapons, and this is one of our very strongest concerns.

New Mexico has sacrificed an enormous amount
over the last 50 years to provide what were perceived as needed nuclear weapons. We now know that we are victims of nuclear weapons that are being produced in this country, that their cancers and their illnesses and their birth defects and spontaneous abortions and many other problems are caused by the contamination of the sites that the Department of Energy runs all over the country.

So I want to specifically address my remarks to you, members of the New Mexico State Environment Department, and I'm glad to have the Department of Energy listen, but my remarks are really directed to all of you.

You are now on the front lines of our struggle. We have had a great setback in having lost the WIPP Land Withdrawal Bill. We had every reason to believe that that should have gone down to defeat. Many many people all over this country recognized that what is happening here is a national policy is being created in which waste will be driven all over the United States for minimally the next 30 years if WIPP opens, but WIPP would only contain one-tenth of the radioactive waste materials that require the storage.

And so this will be an opening into a new phase of policy for this nation to have storage away from the sites where the waste is now temporarily stored and to have it drive all through our country for years and years and
years.

Plutonium contaminated waste on our DWI laden highways. This has been a ridiculous policy. It’s a policy that could only come to this state after 12 years of Republican Administration and we are thankfully out of this Republican Administration and we’re going to address our appeal to Clinton Gore Administration immediately to make this a national issue.

The storage of radioactive nuclear waste is not a problem of New Mexico. However, at the moment it is your problem, so I want to appeal to you based on the testimony of Mr. Coghlan and Dr. Kerlinsky and many other people here today to pay very close attention to all of the technical things that they have said.

But to pay even closer attention to the fact that you are being put in a political position here, that Governor King somehow or another seems not to have gotten the point that New Mexico must not become the national sacrifice area. He seems to be a little soft on this issue and we are deeply concerned. That is why you are on the front line of this situation.

What we want to ask you to do is to sacrifice your jobs if necessary, and it would be the most credible things you do in your professional life, if you do so. You must oppose this permit.
I address you as another professional. I know that as a professional when I take on a new responsibility I study it. I’m sure you’re in the situation of having to study very hard to deal with this application. The application as we all know was created in 1990. The law was passed only last month. The six months is supposed to elapse before the DOE is required to have a test plan in place and a new application on your desks, and yet here we are in public meetings as though everything were going smoothly forward.

We had a lot of this kind of thing with the Department of Energy. There is no earthly reason to support the Department of Energy in any way, shape or form and we do not want you to do so. You’ve been told over and over again that you’re going to have to go to the originating sites of waste and examine every bin. I think you’re going to have to do more than that.

I think you’re going to have to recognize that the accident that happened in the 1950’s in the Uro Mountains of Russia which was a mixed radioactive waste and hazardous waste storage site. That accident which was an explosion has now contaminated 3,000 square miles of Russia. It remains uninhabitable and contaminated. You are on the line to protect us against that eventuality in the United States. So I understand that it is not a nice thing
when you are a professional environmental scientist or lawyer or whatever the other professions are in your group to have to say no to the people above you and to do things that will jeopardize your career, but I want to tell you there are many of us here who are willing to jeopardize our careers in order to stop WIPP and you will not be alone if you take such steps.

I want to urge you to take those steps and I want to defer the rest of my time to Janet Greenwald, another member of our organization. Thank you.

MS. GREENWALD: I've been doing a lot of traveling around the State lately and this is the kind of thing I'm hearing. Yes, it seems like some of our sacred lands are contaminated. No, we don't know how badly. We don't have anyway to monitor how badly we're contaminated. Yes, we've just found out that below where Albuquerque dumps its sewage there are radioactive contaminants in the sludge water along the Rio Grande. No, we don't know how badly, no, I don't know how badly it's contaminated because we don't have the equipment. Who has the equipment to know? No, we don't.

We know that in Albuquerque two schools, the University, Roosevelt Park and other parks are partly contaminated with plutonium. We don't know how badly they are contaminated because we don't have the equipment to
monitor it. The City of Albuquerque doesn’t have it. The State doesn’t have it. Who has it? This is craziness.

We’re going to bring WIPP in here when we’re already contaminated and being contaminated and we don’t know how badly we’re contaminated. We don’t know how much of growing number of cancers that are being seen at University Hospital in Albuquerque are due to radiation contamination. We have no idea, and yet we’re going to bring in more wastes here?

The State has to have some ability to deal with what’s already happening in this State. We’re already contaminated and we need to know how much we’re contaminated and how it’s affecting us now. And until the State can take that responsibility, it has no business bringing in or permitting more waste into New Mexico. Thank you.

MR. DUKER: I would like to recognize Catherine Montano.

MS. MONTANO: My name is Catherine Montano. I’m from Las Vegas, New Mexico. I live on planet earth. It is really sad that we are here again to plead with our government not to kill us.

Do you all realize upon this panel why the people in Russia are starving? Could you answer that for me? Why are they starving in Russia? Why do they have food shortages? Why are the children dying of cancer because
their bread basket was contaminated with radiation and that
is what we are turning our State into, another Chernobyl.

We ran a petition several months ago and we
presented it to our Governor and to our representatives, and
I would like to present it to you tonight. In four weeks we
got over 17,000 signatures. From Las Vegas, New Mexico we
got over 6,000 and the people are not happy with what is
happening to our State. They are ready to come out in the
streets if they have to to stop the nuclear madness. It is
out of hand.

Representative Skeen went to Washington and he
said that we as New Mexicans gave the nuclear industry birth
and that we should give it a burial ground. Well, if I as a
New Mexican, am responsible for the nuclear madness, it is
time that we as adults give it death.

The nuclear madness must come to a halt
worldwide. Our mountains are contaminated, our oceans are
contaminated, our lakes, our rivers, our people are dying of
cancer left and right. I lost a brother in March of this
year to cancer and it’s a very painful way to die, to see a
person deteriorate to a total skeleton before they die is
really sad. Are you going to pay my medical bill if I get
cancer, or my brothers and sisters here in the crowd? Who’s
going to pay our medical bills? Who’s going to pay our
suffering? The nuclear madness must come to a halt.
I would like to read the petition at this time to you and I would like volunteers from the audience to come up and hold the petition. You can see that people are very worried in what is happening.

"The very fabric of creation is in danger, our school yards. This is a most crucial time. All atomic activity should cease upon the earth. There is no safe way of taking care of the waste materials from nuclear plants which are creating so much of it using plutonium and other radio substances. Expansion is an error and very undesirable. If we adopt stop the nuclear madness, we will be an extinct human race. The earth is a living organism and we all in this room are living organisms. Would you stuff poison down your throat? Well, that's what you're doing to our mother and we will not allow it to happen. It is time for all of us to stop living in a state of denial. The nuclear madness is out of hand. Burying nuclear waste is a crime to humanity."

We had a WIPP summit with the Governor and I asked him if he had seen the report that came out on how contaminated Albuquerque is, our zoo, our university, our parks, and yet to this day it has not been addressed.

He was in Las Vegas just recently and I asked him, "Did you read that report?" He said "No." He doesn't care about Albuquerque. How can we expect to him care about

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the State of New Mexico and the human race on earth? Are we
going to continue to live in a state of denial? Are we
going to continue to have brainless children?

There's parts of the world where the children
are being born like jello. How would you like to have a
baby born like jello, Susan? It's sad that we do not open
our eyes and see what is happening to our earth and to life
on our planet.

We made a promise to God at the beginning of
time. He said be fruitful and fill the earth, but he said
we had to be the stewards to protect the earth for his
second coming. And I want you all to know that the people
out there in the streets are ready to stand up and stop the
nuclear madness.

Like I told Governor King in Las Vegas when he
was there, that either he supported the people of the State
or he was going to see the biggest revolution to hit the
State of New Mexico, because we're going to send a message
loud and clear to the United States that we are not the
dumping grounds of the United States. And the nuclear
madness must come to an end or we will all die together.

It is time that we all unite and stand together
and live together like brothers and sisters as God wanted us
to be on this planet.

On the petition, these are the places that

MR. DUKER: Ms. Montano, you’ve gone over your
time. One of the things here tonight is we wanted to get as many speakers as possible, so I guess the other ones here that wanted to be heard we’re going to have to have them, hopefully write us something.

If you wish to submit these part of written evidence we’ll certainly catalog them.

MS. MONTANO: Yes, we would like to do that. And I would also like to submit all the videotapes that I have. I went around the State of New Mexico for the last two years videotaping and listening to our experts telling our government to stop the WIPP. That it is not a safe facility. It was built on earthquake terrain. It's called the Magdalena Fault. The project must be stopped and if our elected officials do not listen, it is time for humanity to stand up for life on our planet.

Remember it is better to be active today than radioactive tomorrow. I would like to conclude with a phrase that Millian Zapata said when he was alive. (In Spanish.) "I want you to die a slave to principles and not to men." So I hope you are the people of the earth and listen because we must stop the nuclear madness. It is out of hand. Thank you.

MR. DUKER: I really would like to see that back in the box if you could take it over. That’s an incredible piece.
MS. MONTANO: That was only four weeks. Like I say, we can get the whole state to sign. I worked on like 4,000 myself and I would say three out of a hundred are not signing. People want the nuclear madness stopped and we as New Mexicans need to send a message loud and clear to the United States that we are not their dump. If New York wants to continue their nuclear madness keep it there. If other states want to do the same, keep it there, because it is out of hand. We can’t even control it in our own state. It is time that we do something about the contamination around our own state and start taking care of our own problems that we have in our own State. We can not afford more radiation in our State.

MR. DUKER: While you’re putting that back together so that we can carry it over there with the other data that we have, I would like to at the end of this very long day thank the 60 odd some people who were able to express their opinions here tonight.

As I mentioned, all of it has been recorded. Every bit of it will be listened to. Every bit of it will be considered. The same with all written material. I would like to just exercise one prerogative on my own tonight. I’ve been in great admiration of a couple of ladies here, those of you have spoken tonight, if you can imagine what it’s like to talk for 12 hours straight, to do signing is
almost ten times as strenuous. Not to mention our court reporter here whose fingers must be aching.

Again, thank you very much for coming. The New Mexico Environment Department certainly appreciates your participation.

UNIDENTIFIED SPEAKER: Excuse me, I worked 12 hours today and I came over at 8:20 and signed in to speak and I would like to be heard.

MR. DUKER: We also have about 14 other people here, sir, who wanted to. We don’t have control over how long we can keep this auditorium and this building. As I mentioned, we had people signing up all day long and we tried to work in where we could as many alternates as possible. We were able to hear from many dozen other ones.

UNIDENTIFIED SPEAKER: The fact is there were many more people interested in speaking who left because they were discouraged when they walked in and were told there was already a full list, so the 13 you’re talking about you could multiply by ten. The fact is you’ve totally ignored Albuquerque which is a third of the population of this state. You didn’t hold any hearings at all there.

MR. DUKER: Sir, first of all these are not hearings. There will be public hearings in Albuquerque.

UNIDENTIFIED SPEAKER: Will there be meetings like this where you explain it? After all that is one-third
of the population in the state. They did not get the advantage of what happened today and there were many people who came wishing to speak today that were turned away. I came up from Albuquerque after work as did many others travelling an hour. How many working people are able to do that from around the State when you hold hearings down in Roswell, up in Raton, here but you forget Albuquerque.

MR. DUKER: Again, that was a decision that was made. I wish I could be there to do something about it but I've been given the job of moderating four of these.

UNIDENTIFIED SPEAKER: I'm not talking about you personally.

UNIDENTIFIED SPEAKER: Just listen. Listen to the people of the State of New Mexico. You will have a revolution if you let WIPP go. I am promising you that now. You will have a revolution.

MS. MONTANO: All over the country.

MR. DUKER: We will be soliciting and we will accept any written comments you can send in. That November 25th date was an arbitrary date so go ahead and please send in your written comments to the Department. They will all receive an answer, everyone of you, within 30 days.

(WHEREUPON, meeting concluded at 9:05 p.m.)
REPORTER'S CERTIFICATE

I, BETTY J. LANPHERE, RPR-CP-CSR, a Court Reporter and Notary Public, with offices in Santa Fe, New Mexico, DO HEREBY CERTIFY that the foregoing transcript is a complete and accurate record of said proceedings as the same were recorded by me stenographically and were reduced through computer-aided transcription to print by me or under my supervision.

DATED at Santa Fe, New Mexico, this 24th day of November, 1992.

_________________________________________
Court Reporter

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