



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PUBLIC MEETING ON WIPP PERMIT B APPLICATION

Wednesday, November 18, 1992

Raton Community Center
128 N. 3rd Street
Raton, New Mexico

APPEARANCES:

For the New Mexico Environment Department:

Mr. Tom Duker
Moderator

Mr. Benito Garcia
Chief, Hazardous and Radioactive Materials Bureau

Ms. Susan Collins
WIPP Permit Coordinator
Hazardous and Radioactive Materials Bureau

Mr. Bob Lopez

For the United States Department of Energy:

Ms. Patty Baratti-Sallani

For A.T. Kearney and Company:

Mr. John Darabaris

Ms. Connie Walker

Ms. June Drieth

For Westinghouse:

Mr. Jack Johnson

Mr. Larry Ledford



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CONTENTS

Appearances	1
Tom Duker	3
Susan Collins	4
Kendra Sutton	5
Anna Caruana	19
Catherine Montano	43
Penny Mondragon	50

1 MR. DUKER: My name is Tom Duker. I work for the
2 New Mexico Environment Department, and I am the moderator
3 for these proceedings. We're putting on these -- they're
4 not official hearings and they are not actually mandated by
5 any statute or regulation, but our secretary of our
6 department wanted us to hold public information meetings to
7 inform the public as to where we are and what's involved in
8 the test phase application permitting process. So we're
9 holding these for the purpose of that and also to take any
10 comments that people would like to make. And within that
11 framework we'll go ahead, and Susan can show you.

12 By the way, let me just tell you who is here. From the
13 New Mexico Environment Department, we have Susan Collins
14 right here. She's the WIPP permit coordinator. This
15 gentleman right here is Ben Garcia. He's the chief of our
16 hazardous waste materials bureau. And over there in the
17 back, Bob Lopez.

18 For those who need Spanish language interpretation, we
19 have a translator here who is Bennie Sivas.

20 Then we have a consultant group, A.T. Kearney, that
21 works with New Mexico Environment Department. And this is
22 Connie Walker right here and June Drieth. And over there is
23 John Darabaris.

24 Then from the Department of Energy we have Patty
25 Baratii-Sallani right here. And in the back is ack Johnson

1 with Westinghouse. And they're here primarily to let you
2 know what both the state and federal standpoint is, where we
3 are at this point in time, and if you have any questions on
4 that. So I'll let Susan go ahead and give her presentation
5 on that.

6 MS. COLLINS: Right. This was a rather formal
7 presentation. I would like to talk through it in a more
8 casual way since you're the only person here. I thought it
9 was important to address four key issues.

10 I need the next slide, please. Thanks. Okay.
11 This is why are we doing this why is the State of New Mexico
12 even reviewing the WIPP application. And then the second
13 one is the test phase. People are talking about the test
14 phases. Is that different than a closure place, and so on.
15 And we're deciding that. And then what's actually in the
16 application and then what's the status of our review? What
17 have we done in the past, what are we doing right now, and
18 then what do we anticipate doing in the near future? Can I
19 have the next -- no, I'm sorry. We're doing this a little
20 bit more informally.

21 The first one is why did Westinghouse DOE submit the
22 application? To obtain the legal right to treat storage and
23 disposal of hazardous waste, the facility has to apply for a
24 regular part B permit. They did submit a part B permit
25 application for the WIPP test facility.

1 And then I need to address what is the waste? Why did
2 they need to apply for it? Well, it's because it's a mixed
3 waste. That means that the hazardous waste is combined with
4 the radioactive waste. But because you can't separate the
5 two, we call it mixed waste. An example might be a glass
6 beaker that has both hazardous waste in it and a radioactive
7 waste. So they're commingled and you can't separate them.
8 That's a mixed waste.

9 So what is the test phase? Well, it's a period of time
10 during which various tests are going to be performed to
11 evaluate the suitability of WIPP. They develop test phase
12 plans that describe the activities and tests that are going
13 to be performed during the test phase. We look at the test
14 plan that they use and we look at those elements of the test
15 plan, but we evaluate it on the safe management of the waste
16 to be placed there. So we don't examine all of the test
17 plan, but we only look for those portions of the test plan
18 for which we have regulatory authority over. That is we
19 don't regulate specific tests and we don't regulate the
20 experiments, but rather we regulate the safe management of
21 hazardous waste. DOE can't implement any new tests unless
22 they come back to us and request a modification. Did you
23 understand that?

24 MS. SUTTON: I guess. I'm not quite sure the
25 difference between you regulating the test phase. DOE can't

1 come in and do any tests unless you first review the tests
2 that their doing?

3 MS. COLLINS: If it involves RCRA. And RCRA are
4 the regulations that we use to guide us for issuing a
5 permit. We don't go out and make up the rules and then ask
6 an applicant to follow them. We have the regulations and
7 then we look at the regulations for the safe management of
8 hazardous waste and then we tell the facilities that you can
9 have a permit, but you have to follow these rules. And the
10 test phase is the time that DOE wants to conduct certain
11 tests. And the test plan is a list of the experiments they
12 want to conduct.

13 MS. SUTTON: Okay. What kind of tests and
14 experiments are being done?

15 MS. COLLINS: Can you address just some of the
16 generic tests?

17 MS. BARATTI-SALLANI: Yes. They're looking at
18 tests which would be the mixed waste, which Susan is
19 describing. And that would be placed into a bin and it
20 would be monitored to see what kind of gas it would generate
21 interacting. They're looking at some tests that would have
22 some brine introduced with that waste to see what the brine
23 does to the waste, when it's inside the bin. These are all
24 contained in a double container. It's a bin within what we
25 call a standard waste box, which is a fancy name for a big

1 metal box that's all sealed up. Then those are sealed and
2 then they monitor that. So you're looking at a number of
3 different kinds of tests with the mixed waste to see what
4 kind of data they would get from it. What we could expect
5 to have from that kind of waste over a long period of time
6 that we would want to store it.

7 MS. SUTTON: How long does the test last? I mean
8 if you put it in a sealed compartment, how long do you let
9 it sit there before you determine what it's going to do over
10 a long period of time?

11 MS. BARATTI-SALLANI: Well, it would begin giving
12 us data right away. And that would be contained until we
13 feel that we have sufficient data to comply with the
14 regulations that the EPA and the state have for us. We have
15 to get that kind of data. And then we would have to come
16 back and say we now feel we have data that shows yes, we can
17 manage this waste over a long period of time. And here is
18 the data we've generated, all the scientific studies. And
19 then at that point we would be looking for asking for a
20 permit that would allow us to do that in permanent. This is
21 just for the test period. And that's a short period of
22 time. The state would give a permit for 10 years or less.
23 So it would be someplace in that time span that those tests
24 would be ongoing while we gather data. Then basically in
25 layman's language that's about what we would be looking at.

1 MS. SUTTON: And then are the tests like suited
2 just for the WIPP site or I mean are these tests that are
3 standardly done everywhere? Are you doing anything
4 different with the tests at WIPP that would apply directly
5 to that site that might have special --

6 MS. BARATTI-SALLANI: Well, Jack, maybe you can
7 explain a little bit. He's one of our technical people from
8 Westinghouse. I don't know the differentiation between the
9 different kinds of tests.

10 MR. JOHNSON: Well, there is really -- they are
11 not typical tests that are done everywhere. These are tests
12 that are specifically set up to protect people from the
13 contamination of the radionuclides and the hazardous
14 material that's in the waste. And to us who have been
15 trained and are aware of the contamination of radionuclides
16 and the danger associated with radiation we're far more
17 concerned with protecting people from -- let me restate
18 that. The risk is much greater from the contamination of
19 the radiation than from the contamination of the hazardous
20 materials that are in there because what hazardous materials
21 are in there are in minute quantities. And the radioactive
22 materials are not in great quantities either, but they are
23 very poisonous in that sense. So we take great care to keep
24 people away from them as much as possible.

25 MS. SUTTON: But my question, are the tests that

1 are done for the waste that is going to be put at WIPP, are
2 they designed to accommodate the special conditions of WIPP
3 like salt or are they the same tests that are done at other
4 disposal sites.

5 MS. BARATTI-SALLANI: No, they're unique to WIPP.

6 MR. JOHNSON: The tests are designed specific to
7 WIPP to be determinative of future conditions in the
8 underground longterm 1,000 years downstream kind of thing.
9 The test bins are set up so that they will look like that
10 right now. So the testing for gas generation results can be
11 determined in this five to seven year test period.

12 MS. SUTTON: So you can determine in five to seven
13 years what it's going to do in 1,000 years?

14 MR. JOHNSON: We can determine the direction
15 things are taking. We can determine the quantity of gas
16 generation that's produced. We can determine the rate at
17 which it's produced, whether or not it starts to fall off
18 after the rate starts to decrease after a while, that sort
19 of thing, and look at that and then with all the tests put
20 together, those can be associated and the data will be
21 completely evaluated and then the Sandia National Labs,
22 which is our scientific advisor, will do a performance
23 assessment. They'll do the performance assessment that they
24 are contracted to do and to say whether or not WIPP is
25 really the right place to put waste for longterm storage.

1 That's looking at all the mechanisms that affect the waste
2 and its interaction of the host rock or the salt that's in
3 the WIPP with the waste itself inside those bins.

4 MS. COLLINS: Do you have any questions about test
5 phase?

6 MS. SUTTON: Not yet.

7 MS. COLLINS: Okay. So the test phase is a period
8 of time that DOE wants to conduct tests. We review the
9 parts of the test that apply to RCRA hazardous wastes. You
10 can't separate the radioactive component so we really
11 regulate all the waste that's going to WIPP. Some questions
12 that have come up in some of our previous meetings, what
13 don't we regulate? What does the department, the
14 environment department, not regulate? We don't look at the
15 transportation issues. We don't look at the transportation
16 of routes. We don't look at the emergency response during
17 transportation or the Tru Pack design. There are other
18 regulatory agencies that have already looked at that. So
19 those are things that we don't look at.

20 Another question that's come up are what can't be
21 shipped to the WIPP facility should they receive the
22 permit? Things that cannot be shipped are explosives or
23 compressed gases. You can't ship ignitable or corrosive
24 wastes. And there are no free liquids that can be shipped.
25 And free liquids is one percent of total volume. So when

1 people speak of sludges that would be going to WIPP they're
2 talking about solidifying sludges or something that's solid.

3 MS. SUTTON: When you say you don't regulate the
4 transportation, do you regulate the bins that it's stored
5 in? Do you test those and do you test those against like
6 the rock and the salt and see whether or not that would
7 corrode or how it would get in time and how long it would
8 take to do that?

9 MR. GARCIA: Are you talking about the transport
10 packages?

11 MS. SUTTON: No, I understand that you guys
12 wouldn't have anything to do with the transport.

13 MR. GARCIA: You're talking about the bins?

14 MS. SUTTON: That you put in the ground.

15 MS. COLLINS: They cannot come to us and say would
16 you approve the design of this, but what happens in the
17 technical review is that design is evaluated to see if it
18 meets certain standards so that we're assured that waste
19 can't leak out or there can't be an eruption of disks or
20 corrosion. That was one of the questions that we asked.
21 What happens if something corrodes and then they responded
22 during the technical review and they gave us technical
23 assurances of the design criteria so that we would know that
24 it is safe. So we don't give it a stamp of approval, but we
25 do ask a lot of design questions so that we're sure that the

1 waste will be managed safely. Can you add anything, Connie?

2 MS. DRIETH: I think so. You kind of go through
3 it as we get a little farther in your presentation.

4 MS. COLLINS: DOE did present to the New Mexico
5 Environment Department their part of the application. We
6 began reviewing it.

7 I need the next slide, please. This is Volume I of
8 seven volumes. I didn't bring the other seven -- other
9 six. They're appendices and maps which we do review. We
10 review all of the reference documents contained in here.
11 But this is what we call sort of the meat and potatoes of
12 the submission. This has all the chapters that we review.
13 And what I would like to do now is go through the chapters
14 and tell you what's in them. The first chapter is something
15 called the part A. This is a standardized form. All
16 facilities fill out this same standardized part A. It gives
17 general information: who the owner is, what their EPA
18 identification number is, where is the facility,
19 owner/operator, what type of hazardous waste activities are
20 going to occur there, and what are the volumes of waste.

21 Chapter B is the facility description. This is an
22 expanded view of part A. This gives a more detailed
23 description of what business is going to be conducted at the
24 site. It's a physical portrait, what does it look like. It
25 discusses the RCRA units. We call the RCRA units hazardous

1 waste management units. There are three RCRA units at the
2 WIPP facility that we've determined. One is the RCRA
3 handling building. That's the building that the truck comes
4 to and the waste is unloaded into. Then there are two other
5 units in the subsurface. There are two rooms in panel one
6 that are different units. Questions, just generic questions
7 we could ask, is the facility in a hundred year floodplain?
8 What are the boundaries of the facility? We go through
9 topographic maps, that sort of information. Chapter
10 C is the waste analysis plan. This chapter gives us
11 information about what are the wastes and why are they
12 hazardous? The state needs to know that this waste will be
13 properly characterized so that it can be properly managed
14 once it gets to WIPP.

15 Chapter D is facility and process description. That's
16 what you were just asking about. How do we notice the
17 design of the bins? We would evaluate it in the review of
18 this chapter. There are standardized engineering practices
19 that DOE Westinghouse has to follow. We review those
20 practices, we review all of the design, we look at all the
21 maps, all the cross sections, all the design drawings.
22 That's reviewed in chapter D. This is a detailed physical
23 description of each unit, what does it look like and then
24 how do we manage the wastes in each of the three units.

25 Chapter E is groundwater.

1 MS. SUTTON: What do you mean by how do they
2 manage the wastes? What do you mean by managing the wastes?

3 MS. COLLINS: In other words, they bring the bin
4 down the elevator and then down to the RCRA unit and then
5 they pile them up in the door. That wouldn't be okay. So
6 we want to know how are you going to manage it? Give us a
7 diagram, a flow diagram of the floor so we know where the
8 bins are going to be. We know that people can walk around,
9 that they're safe, there is the right amount of space
10 between each bin.

11 MS. DRIETH: How they're stacked, how they're
12 labeled. You know, if there is a problem what do they do?
13 If there is a bulging drum how do they handle it, those kind
14 of things.

15 MS. SUTTON: What do we do if there was a bulging
16 drum?

17 MS. COLLINS: Well, there is no bulging drum
18 because there are no drums?

19 MS. DRIETH: That's a bad example.

20 MS. COLLINS: Drums aren't going to be shipped to
21 WIPP during the test phase. I'm only talking about the test
22 phase now because that's what our review was about is this
23 test phase. If there was a problem with the test bin when
24 it was down there in one of the later chapters, Chapter F,
25 procedures to prevent hazards, they will already have

1 addressed with us and we will have reviewed what do you do
2 if you have a leaky container.

3 MS. SUTTON: That comes later after the
4 application is made?

5 MS. DRIETH: No, it's in a later chapter that
6 she's going to cover.

7 MS. COLLINS: Why don't you put that on, June,
8 because we do need to know that. We need to know what if
9 something ruptures, tips over. And that's addressed in
10 proceedings to prevent hazards. They need to tell us what
11 are the security equipment there, what are the procedures,
12 how often do you inspect things, what sort of monitoring
13 equipment, preventive procedures.

14 This contrasts with the next one, which is the
15 contingency plan. This is a RCRA requirement. It makes the
16 leap from procedures to prevention to say you now have to
17 assume that something has occurred; tell us what you're
18 going to do because it's an emergency. And so the
19 contingency plan talks about emergency response, evacuation
20 plans, for both people and for waste. It tells us what are
21 their reporting requirements, say in the waste handling
22 building if they have to use water and the water is
23 contaminated what do you do? Do you sample the water, you
24 know, how do you do that and then what do you do if the
25 water is contaminated. So these two chapters are really

1 back to back. One talks about how do you prevent something
2 and then if you have an unplanned event what do you do about
3 it?

4 H, and then training. Not only do you have to say you
5 can prevent something or if something occurs what will you
6 do, but are your people properly trained. So this chapter
7 gives some rather detailed -- the procedures, the programs.
8 We not only want to know what people's job titles are but
9 the descriptions of these jobs so people have the adequate
10 background to be doing these management jobs with hazardous
11 waste.

12 And the closure is just what it says. It's a closure
13 plan. It describes how each unit will be closed at the end
14 of the operational life. We have schedules.

15 MS. SUTTON: What's an operational life?.

16 MS. COLLINS: At the end of the test phase. RCRA
17 can't make the assumption that it's going to go from test
18 phase to operational phase. So we need to know that
19 DOE-Westinghouse can have clean closure. And closure all
20 means the waste would be removed from WIPP. And so they
21 provide us with schedules and activities. How long will it
22 take to remove the waste in a subsurface? Then it goes to
23 the waste handling building and that it can be properly
24 stored there so they know we just don't pile things up. We
25 know how they're going to arrange it and it's going to be

1 safely managed in that building. And then the length of
2 time it takes to remove the waste from the waste handling
3 building.

4 MS. SUTTON: Is this after the test phase so this
5 would be like test waste that you're removing?

6 MS. COLLINS: This would be the bins that would
7 come up and it would be at the end of either the permit or
8 at the DOE if they concluded that the WIPP would not be an
9 adequate disposal site then they would need to remove the
10 waste. It would be still in the bins. They would solidify
11 it so it wouldn't be in liquid form. Jack, can you address
12 the solidification? How would you do it?

13 MS. SUTTON: The test waste is in liquid form?

14 MR. JOHNSON: No, no. In order to try to make the
15 waste in one of the bins look like the future there has been
16 a scenario in which it would be flooded with brine. The
17 waste that's in the bin is flooded with brine. And it has
18 the salt, the brine, the corrosion materials and the waste
19 to see what's that interaction.

20 MS. COLLINS: Jack, excuse me. Could you tell her
21 what brine is?

22 MS. SUTTON: Salt.

23 MS. COLLINS: Okay. Salt water.

24 MR. JOHNSON: The brine is a specific composition
25 of different salts. So we would use that composition and

1 not just table salt.

2 MS. SUTTON: Right. And you would test the waste
3 with that and do tests on that?

4 MR. JOHNSON: Yes.

5 MS. SUTTON: And then you would solidify it if it
6 wasn't approved, ship it somewhere else?

7 MR. JOHNSON: Pump the brine out and solidify
8 that. Because it's been in contact with the waste,
9 therefore it's now considered to be the same kind of waste.

10 MS. SUTTON: How would you solidify that?

11 MR. JOHNSON: There is a material called aquaset
12 which is a clay like material. It absorbs the water and
13 sets up into a spongy solid.

14 MS. SUTTON: And then where would it go?

15 MS. COLLINS: Where would it go? In the
16 application, one of the things we've asked is what happens
17 at the end of operational life. And DOE has a number of
18 options that they can go with. And it would be at their
19 decision. RCRA requires that they are able to do that. That
20 they are able to bring the waste to an area facility. And
21 they've addressed that.

22 MS. SUTTON: So it would go somewhere else.

23 MS. COLLINS: Yes.

24 MS. SUTTON: How does the test waste get to the
25 WIPP site?

1 MS. COLLINS: You mean the Tru Pack?

2 MS. SUTTON: No, the Tru Pack would come after
3 it's been approved, right? Or does it come through the Tru
4 Pack trucks for the test phase, too?

5 MS. BARATTI-SALLANI: It would be shipped in the
6 Tru Pack for the test phase. That's the only approved
7 transportation package that we have at this time for
8 transportation.

9 MS. SUTTON: So the test waste is basically what
10 would be stored out there if approved?

11 MS. BARATTI-SALLANI: It's the same kinds of
12 materials.

13 MS. CARUANA: My name is Anna Caruana. I missed
14 the part of transportation. How is it going to be
15 transported?

16 MS. BARATTI-SALLANI: It would come in the Tru
17 Pack packaging containers on a truck that has a special
18 flatbed trailer attached to it and that's how it would be
19 transported.

20 MS. COLLINS: I'm sorry, Anna. I had some
21 pictures here. We were at a meeting Monday in Santa Fe. It
22 seems that someone wanted to look at those. They're gone.
23 But we'll get you a picture of what the Tru Pack and truck
24 looks like.

25 MS. CARUANA: And how would they label it? I mean

1 how would you know if you came across one of the trucks in
2 an accident or something?

3 MS. BARATTI-SALLANI: Well, they're very unusual
4 looking so you would definitely know it's not one of the
5 normal trucks you would see going down the highway like a
6 tanker. It's a cab with a flatbed trailer and it would have
7 up to three very large containers. And I don't know how
8 large those are.

9 MR. JOHNSON: They're 10 feet high.

10 MS. BARATTI-SALLANI: 10 feet high. And it's
11 painted, the outside is kind of a gun metal grey. It has a
12 dome around the top. It's a round cylinder and then it has
13 a rounded top. If you see one you'd certainly recognize it
14 once you had seen a picture of it.

15 MS. DRIETH: And then they do have to have the
16 proper DOE clearance.

17 MS. BARATTI-SALLANI: Yes. They have the kind of
18 labeling, you will notice it has a label if it says it has
19 flammable materials, we would have a label that would show
20 that we were carrying radioactive materials. If it were an
21 empty truck that did not have anything in the Tru Pack
22 container then it would not have a label on it. So it has
23 to be labeled just the same as other trucks do on the
24 highway. It's kind of unusual looking. So I think you
25 would know it when you see it.

1 MS. COLLINS: Do you have any other questions
2 about what might be in the application?

3 MS. SUTTON: I don't know enough about the
4 application to have any questions.

5 MS. COLLINS: You can browse through it. What we
6 do, what the department does when we get an application in
7 is --

8 MS. SUTTON: What department are you talking about
9 you keep referring to?

10 MS. COLLINS: The environment department.

11 MS. SUTTON: The New Mexico Environment
12 Department?

13 MS. COLLINS: NMED, New Mexico Environment
14 Department. We are hazardous and radioactive waste bureau.
15 And our bureau approves permits for hazardous waste.

16 MS. SUTTON: Well, why did you guys apply to store
17 hazardous waste?

18 MR. GARCIA: We're not the applicants. DOE
19 applied.

20 MS. BARATTI-SALLANI: We applied to the state
21 because they are the regulatory agency.

22 MS. SUTTON: Okay. So you applied to the state?

23 MS. BARATTI-SALLANI: We applied to the state
24 because we are going to have a hazardous material like
25 cleaning solvent that we just don't take out and throw in

1 our landfills. They regulate that. So we have to apply for
2 a permit to bring that kind of material in to site and do
3 tests on it during the test phase under the Resource
4 Conservation Recovery Act.

5 MS. SUTTON: And what is it that the state is
6 applying for then?

7 MS. BARATTI-SALLANI: We're not applying for
8 anything. They are going through the review of the permit
9 now.

10 MS. SUTTON: I see. So when you talk about a
11 department and an application you're referring to two
12 different -- I mean at first you were saying department and
13 I think talking about the New Mexico Environment Department,
14 and then you were saying department and I think you were
15 referring to the DOE applying.

16 MS. BARATTI-SALLANI: Getting your departments
17 mixed up.

18 MS. SUTTON: Yeah. So you are just --

19 MS. COLLINS: We're the regulators.

20 MS. SUTTON: You're just reviewing their
21 application to test?

22 MS. COLLINS: They need a permit in order to do
23 this.

24 MS. SUTTON: Right. To just do the testing?

25 MS. COLLINS: To bring the waste. And what we

1 regulate and issue a permit for is to make sure that they
2 manage the waste in a safe manner. And we do that by
3 reviewing the regulations and then talking about the
4 contingency plan and how you're going to prevent hazards and
5 are things designed properly, is the waste handling being
6 safe. We look at the paint to make sure that the paint is
7 the right kind of paint in the waste handling building.
8 It's a very detailed analysis.

9 We do the review of the application in two steps. The
10 first step is the administrative review. And that's the
11 part that we look at the application and we say is it
12 complete? And when we say complete I use the analogy of a
13 puzzle. If you had a 100 piece puzzle and I need to do an
14 administrative review, what I would do is say are all the
15 pieces there? Do I have 100 puzzle pieces? I wouldn't see
16 if they fit together and I wouldn't see if they were the
17 right ones, I would just say do I have 100 pieces. And if I
18 had 100 pieces it would be administratively complete.

19 And I do the same thing with the application. We look
20 at the chapters, we look at schedules, we look at
21 procedures, and we say is it all here? And then once we say
22 yes, then the application is administratively complete. We
23 did that. The application is complete. We assessed a fee.
24 DOE Westinghouse responded, they paid the fee, and then we
25 began the technical review. And when we do the technical

1 review, that's when we look at the technical merit of all
2 the information that's submitted in the application.

3 And that's the point we are at right now. We have
4 reviewed the whole application one time, we've talked with
5 DOE Westinghouse. We have weekly meetings with them. We
6 note with them deficiencies in each chapter we ask for
7 changes, we ask for modification, and then the way they
8 respond is they give us a draft revision. We just received
9 the draft revision and our next step, the New Mexico
10 Environment Department's next step, will be to issue a more
11 formal communication with DOE-Westinghouse and that would be
12 a notice of deficiency. That's a term that's just a letter
13 where we're going to list out any other weaknesses we see in
14 the application. We're going to review the public
15 comments. We've had a lot of comments from our different
16 meetings. We'll go look at the comments and we'll
17 incorporate them where it's appropriate and then we do issue
18 the notice of deficiency.

19 MS. SUTTON: What kind of comments have you had?
20 I mean just general.

21 MS. COLLINS: Just generally people have asked
22 about waste characterization, do we know what the waste is
23 going to be? They want to know how it's going to be managed
24 there. We want to know are we going to have verification?
25 I mean does the state really know what the waste is that's

1 coming to New Mexico. We've had some transportation
2 questions. We've tried to answer them, but it's outside of
3 our review. But do have some of it available for those
4 questions. Can you think of any other global questions??

5 MS. DRIETH: What is the geological formation
6 associated with the area that the area is at?

7 MS. COLLINS: There is something called cast that
8 people had questions about so Connie Walker has answered
9 those questions about cast formations.

10 MS. WALKER: They had questions about the safety
11 also issues, personnel training and a number of the issues.
12 The contingency plan specifically was questioned.

13 MS. COLLINS: Right. Health and safety. A lot of
14 health and safety.

15 MS. CARUANA: What is the majority of the waste?
16 What type of waste is going to be stored there?

17 MS. BARATTI-SALLANI: Well, it will be transuranic
18 waste. And are you talking about what is that made up of?

19 MS. BARATTI-SALLANI: Yes. It would be like lab
20 booties, the little booties they put over their shoes,
21 gloves, glass containers like you would use in a laboratory
22 setting. It could be pieces of metal that were part of a
23 machine or tool that was used in a laboratory that has
24 become contaminated and you can't get the contamination off
25 so they have to dispose of it.

1 A lot of the materials are the kind of things that you
2 and I would be familiar with in the sense that it would be
3 the kind of thing we could take to a land disposal unit if
4 it was not contaminated with the radioactivity, and of
5 course if it has a hazardous materials on it like clinging
6 solvents and things like that they don't want us to put that
7 just out there in our dumps any more either. So because of
8 both of those factors it has to be kept isolated where it
9 isn't going to contaminate something else around it. So
10 when you look at it, the material, it's pretty ordinary
11 kinds of things.

12 There would be probably some sludge that they were
13 talking about. I don't know if you were in here then.
14 That's if they solidify something, it kind of looks like
15 cement like materials, like that. That's basically pretty
16 much what it is. Plastics, glass, metal, chemical wipes
17 like tissues that you use for the baby type of thing, but
18 you clean up with. Those would be in there.

19 MS. COLLINS: So that's the point that we're at
20 right now. We're in the ending, we're ending the technical
21 review. We finished our last meeting today. We anticipate
22 writing a notice of deficiency. I don't really know the
23 gate for that but sometime within the next 45 days. And
24 after that DOE Westinghouse would respond to us with another
25 revised application and then we would like look at that

1 application and then we write either a draft permit or we
2 write something called a notice of intent to deny. If the
3 application is grossly deficient, that's what we would
4 write.

5 MS. SUTTON: What would you consider grossly
6 deficient?

7 MS. COLLINS: I think it's almost a legal
8 interpretation. But if I could step outside, perhaps if
9 they didn't respond at all to us, that would be grossly
10 deficient. Could you define notice of intent any other way?

11 MS. DRIETH: Yes, it's more or less a situation
12 where the applicant is not providing information that you've
13 requested and you don't have really enough information to
14 proceed with drafting permit. It's you're in a situation
15 where you really can't progress any further. You can't
16 draft a permit. You can't even write permit conditions that
17 you would feel would be protected in the environment. So
18 more or less you have no option but to deny the permit.

19 MS. SUTTON: So if the New Mexico Environment
20 Department felt that the standards that were set and were
21 being met, were not sufficient, would they deny the permit?
22 I mean would that be a reason to deny the permit?

23 MS. COLLINS: We wouldn't do it. The secretary
24 makes that decision. But I think that's quite a bit ahead
25 of what we were just talking about.

1 MR. GARCIA: I think what we're looking at now,
2 and maybe that's way down the line somewhere. What we're
3 looking at now is the technical components and the
4 regulatory components based on those technical activities
5 that we would issue a permit on. What we're asking the
6 DOE-Westinghouse to provide us is essentially their safety
7 procedures and activities and the actual design and
8 construction of the facility that would allow for the safe
9 use and management of this material.

10 Now, if you're asking if they don't submit enough
11 information to provide us the assurance that they can do
12 that would we deny the permit, the answer is probably yes
13 and no. We could say you don't have enough information
14 therefore we're going to issue an intent to deny the
15 permit. But practically speaking the approach is usually
16 that we would draft a permit that would include all of the
17 requirements that the department would feel necessary to
18 accomplish the safe handling and use of that material. And
19 that would be a draft permit that would then go to public
20 comment and then hearings would be held on that and the
21 applicant DOE-Westinghouse, if they felt that we were
22 imposing restrictions through this draft permit that they
23 could not live with could appeal that permit if it were
24 issued.

25 MS. SUTTON: Who would they appeal it to?

1 MR. GARCIA: Well, the appeal process is first of
2 all through the secretary of the department.

3 MS. SUTTON: What department??

4 MR. GARCIA: The New Mexico Environment
5 Department, the regulators. And from there it would go to
6 the court process. I'm not sure if it's district or the
7 appellate court. Probably the appellate court.

8 MS. SUTTON: So even if the environment department
9 felt that more stringent restrictions needed to be imposed
10 to assure the safety, it still could be permitted? I mean
11 the permit can be issued if they appealed it high enough and
12 the appellate court approved it?

13 MR. GARCIA: Right.

14 MS. SUTTON: I mean theoretically it could happen.

15 MR. GARCIA: Sure, that's the process.

16 MS. SUTTON: Even if the New Mexico Environment
17 Department didn't feel that the safety standards were
18 appropriate?

19 MR. GARCIA: Of course it could go the other way
20 as well. If they appealed the process and the the permit
21 they could say it's too lax and shouldn't be issued.

22 MS. COLLINS: We had some new folks come in.

23 You're with us? I was going to review what we were
24 doing.

25 MR. DUKER: We've got more New Mexico environment

1 personnel here than we do population of Raton, I think.

2 MR. GARCIA: Did you get a lot of notice on the
3 meeting?

4 MS. SUTTON: The only publication I had was there
5 was something in the paper about a month ago with legal
6 notices. It was very, very poor.

7 MS. DRIETH: It's been on the radio.

8 MR. DUKER: I know there was a press release sent
9 out several weeks ago to every TV, radio, and newspaper in
10 the state. Of course I guess you can't get the press to
11 print it if they don't want to, but there was definitely one
12 sent out to our office through every single part of the
13 media within the entire state.

14 MS. SUTTON: I just know I saw the one time. It
15 was like with all the legal notices. Really hard to read
16 because not too many people read those legal notices.

17 MR. DUKER: Patty, would you like to go over your
18 portion? This, by the way, is Patty Baratti-Sallani. She's
19 from the Department of Energy. And she does have a
20 presentation from their standpoint on this, too.

21 MS. BARATTI-SALLANI: I have a rather short
22 opening statement. And I will try to summarize it as best I
23 can. Try not to give you the whole ten yards and just give
24 you maybe five yards. Boil it down a little bit.

25 The WIPP project was authorized by the Congress of the

1 United States under public law 96-1-64 in 1980. And
2 Congress intends for the WIPP facility to demonstrate the
3 safe disposal of transuranic waste that results from various
4 defense activities in our country. And recently the
5 Congress restated its intent in the WIPP Land Withdrawal Act
6 of 1992, which provided the DOE with a set of prerequisite
7 activities that have to be completed prior to us starting or
8 initiating waste management activities at the facilities.

9 One of those mandates is to comply with applicable
10 environmental laws and regulations. And that includes the
11 Resource Conservation And Recovery Act, RCRA as we call it,
12 and the State of New Mexico's equivalent law, the New Mexico
13 Hazardous Waste Act. And our permit application that we
14 sent over to the New Mexico Environment Department, they're
15 currently reviewing that as one of the steps we've taken to
16 comply with both of these laws. The DOE is subject to the
17 New Mexico Hazardous Waste Act and to RCRA because, as we
18 explained to you earlier, much of the waste that we're going
19 to handle is mixed waste, transuranic mixed waste which
20 simply means that it's both radioactive and it does have a
21 hazardous component of some kind.

22 In order to satisfy the requirements we submitted a
23 permit application in February 1991 following a written
24 request from the person who was then the direct for of the
25 Environmental Improvement Division, which was NMED's

1 predecessor. They initiated their process of administrative
2 review as Susan told you and issued a notice that the
3 application was administratively complete in July of 1992.
4 They're in the response of doing a technical review and in
5 response to their request we've been providing them with
6 supplemental information in the form of a revision of that
7 application.

8 That particular version of the application has been
9 made available to the public. It was made available in the
10 spring of this year 1992 and numerous reading rooms through
11 the the state including the Raton public library. So the
12 version where we've added some supplemental information to
13 this application should be in your library where you could
14 go and look at. Currently we're responding to additional
15 information and requests at clarification that the NMED has
16 asked for as they're going through their technical review.
17 We want to make sure that you understand that the
18 application that we have submitted is only for the test
19 phase, which includes these tests with transuranic mixed
20 waste which will provide the DOE and the technical community
21 with information that's useful in making decisions regarding
22 permanent disposal of transuranic waste at WIPP. This
23 decision is still many years off. And before the DOE
24 reaches that decision we would have to demonstrate that the
25 WIPP facility could isolate the waste for thousands of

1 years.

2 Also in the land withdrawal bill just recently Congress
3 required that the US Environmental Protection Agency must
4 review and certify the DOE's demonstration that the WIPP
5 facility is adequate to contain those wastes. And further
6 the EPA will have to involve the public including the State
7 of New Mexico in their review process when they go through
8 their review. They'll be involving the public and the state
9 as well.

10 And the reason that we're primarily here is to listen
11 to what the public has to say about the permitting process
12 that NMED is currently going through. We have had a number
13 of public meetings and we've really used that information
14 that we received from the public in shaping our program.
15 And we value the public's opinion. And therefore we and our
16 management operating contractor, Westinghouse, appreciate
17 the fact that we can be here today to listen to what the
18 public has to say about the permitting process. So that's
19 kind of a scaled down version of all of it.

20 MR. DUKER: Normally at this time we have a lot of
21 people here we ask that they sign up for about a ten minute
22 slot to make a statement or presentation or ask questions,
23 whichever they want. Being that you two are our first
24 guests today here, you know, we can depart from this a
25 little bit here. And if you have some other questions to

1 ask as you've done, that's perfectly okay within this. The
2 only reason we limit those presentations to 10 minutes was
3 when we had a lot of people, as we did in Santa Fe, we
4 wanted to make sure that we didn't have somebody that went
5 on for a long period of time and didn't allow for a lot of
6 people to be heard. And it worked out pretty well. In
7 Santa Fe we had I think I counted up 61 different people
8 that were able to speak or make a presentation at that
9 particular meeting. So feel free. If you have anything
10 further that you would like to ask, feel free to ask.

11 MR. GARCIA: You may want to also say that we have
12 a written comment period until November 25th. So if you
13 want to review what's in your library or anyone else does
14 and they want to submit written comments or ask questions
15 we'll take them until the 25th of November and respond to
16 those in writing. So if you know of anyone that wants to do
17 that or you want to do that, you can take that opportunity.

18 MS. SUTTON: This is only for the permitting
19 process, though, right?

20 MR. DUKER: For the test phase.

21 MS. SUTTON: I mean for the testing. It has
22 nothing to do with what will come after?

23 MR. GARCIA: We don't know what will come
24 afterwards.

25 MR. DUKER: We're kind of in a crawl, walk, run

1 phase. And this is crawl. This is one phase of it. And
2 then after that anything else would be a completely new
3 situation altogether based on this. I do want to make a
4 comment, though, that by signing in over here you will
5 receive an executive summary of what we have found out at
6 each of these meetings. And that will be done within, what,
7 30 days?

8 MS. COLLINS: 30 days.

9 MS. CARUANA: I guess one of my biggest concerns
10 with me as far as transportation, what would happen if there
11 was a big accident? How would that be handled, the
12 contaminants be handled?

13 MR. DUKER: Robert, could you address that?

14 MR. LOPEZ: Bob Lopez with the New Mexico
15 Environment Department. Right now the state, not through
16 this permitting process, but through another grant the state
17 has been able to obtain, we've been discussing this issue
18 about emergency response. One of them, we do have the
19 emergency response plan where it identifies all the response
20 agencies that will be responding to a transportation
21 accident.

22 MS. CARUANA: So who would be involved?

23 MR. LOPEZ: It would be the state police, the
24 state fire department, highway department closures. I
25 mentioned department of public safety. Those four agencies

1 would have the major role in a transportation accident. ENS
2 would be another department of health. And from this grant
3 money we've been able to do some training for some of these
4 folks. We had three acts come into the Raton hospital,
5 provide hands-on treatment at the hospital. The nursing
6 staff, the nuclear techs. We've been able to purchase some
7 equipment for some of these folks. We've been able to
8 purchase some radiation protection equipment for those
9 hospitals. We've also been able to give some of these
10 hospitals some monetary support to participate in the
11 training in Albuquerque. We also plan to send locals from
12 Raton and do a more thorough hands-on training with some of
13 these folks.

14 We just had a drill here in Raton where we exercised a
15 lot of these procedures. And we're just getting ready to
16 come up with a critique. Where is it that we need to make
17 improvements for our first response? So some of those
18 activities and some of those plans inject what we are doing
19 for emergency response.

20 MS. BARATTI-SALLANI: Bob, I might add to that.
21 In addition to all of the state and local emergency response
22 groups that you have, they also will call in the Department
23 of Energy and we have response teams who come out as well to
24 help assess the situation and follow the direction of the
25 incident commander who usually will be your state police

1 once they're on the scene.

2 MS. CARUANA: How will local people be notified
3 that there has been such an accident or will the people be
4 notified?

5 MS. BARATTI-SALLANI: Bobby, would that be through
6 the state police or the local authorities?

7 MR. LOPEZ: I think the state police. Depending
8 on what they're carrying, we would have a heads up on what
9 is coming down the road in this Tru Pack. So somebody may
10 be able to do an assessment, whether it be the DOE or NMED.
11 Taking precautions and coming out on the assertive side if
12 we need it to evacuate people, it would be through the local
13 news media, the radio, maybe it might even be hand-to-hand,
14 door-to-door type of notification. I don't know if there is
15 an emergency broadcast radio here in Raton. I'm sure we
16 would utilize that.

17 MS. SUTTON: I had a question about what kind of
18 danger is the public exposed to during the test phase? I
19 mean if it's determined that it's not okay to keep the waste
20 there on a long-term basis, you know, what kind of exposure
21 is the public getting during the test phase to the waste and
22 the radioactivity and because you're having to move the
23 waste down there to test so you have to have some kind of
24 waste to test that has hazardous elements to it. So I was
25 just wondering what kind of dangers is the public exposed to

1 from just the test stuff that will be going on.

2 MR. JOHNSON: It's essentially zero.

3 MS. SUTTON: Essentially.

4 MR. JOHNSON: Essentially like on the order of a
5 million to one that somebody would get something. The
6 reason for that is because the only thing that can come out
7 of the WIPP based on the determination made by the
8 Environmental Protection Agency is that we might have some
9 volatile organic compounds which would be carbon
10 tetrachloride, for instance. But we exhaust all of the air
11 through a activated carbon bed which will absorb that
12 material. And there is a very specific limit that we can
13 exhaust above ground and stay within the limits that the EPA
14 established for us. And that limit has been determined to
15 be well blow a health based standard that the EPA has used
16 and the health based standard says if you get this much, and
17 it's a very, very small amount, it won't bother you. And
18 our effluent is way below that. So there is no -- that's
19 why I say essentially zero to the public.

20 MS. SUTTON: What happens to the rest of it that
21 it can't escape above ground?

22 MR. JOHNSON: It won't.

23 MS. SUTTON: But I mean does it stay under?
24 You're saying you pump some of it out. What happens to the
25 rest of it?

1 MR. JOHNSON: Oh, it's absorbed by the
2 carbonation.

3 MS. BARATTI-SALLANI: They have bags and bags of
4 filters. We have to pump air underground for people to
5 breathe to work in there. And as it pumps out it will go
6 through those filters. And the filters will not allow above
7 a certain amount to go out into the atmosphere? Have you
8 ever been down to the WIPP site or are you familiar with the
9 area it's in?

10 MS. SUTTON: I can't go. Thank you.

11 MS. BARATTI-SALLANI: It's out in an isolated --

12 MS. SUTTON: I saw it. The other program, they
13 showed it.

14 MS. BARATTI-SALLANI: And the people who are there
15 primarily would be people who have come there like ourselves
16 who work out there at the site. We do feel that it will be
17 safe enough that we can still take people on tours of the
18 site.

19 MS. SUTTON: What happens to the bags?

20 MS. BARATTI-SALLANI: There is no bats.

21 MS. BARATTI-SALLANI: No, the bags.

22 MS. BARATTI-SALLANI: Oh, bags. Sorry.

23 MR. DUKER: The acoustics in here are not real
24 good.

25 MS. BARATTI-SALLANI: We have people who sometimes

1 confuse us with Carlsbad Caverns and they think we have bats
2 there, too. We don't. The bags, are you talking about --

3 MS. SUTTON: Yes, that you were talking about.

4 MS. DRIETH: The filters.

5 MS. SUTTON: Yes, filter bags.

6 MS. BARATTI-SALLANI: That would be treated as a
7 hazardous waste if it became contaminated. It was just like
8 the example that Jack gave you or maybe it was Susan where
9 you had to clean up something. If that water gets any
10 contamination in it then we have to treat it the same as a
11 waste under the regulations. And it would have to be
12 packaged and kept away from everything, solidified. So
13 those would be if they got contaminated then we would have
14 to put clean ones in and use those as a waste, if you can't
15 clean them up and remove the contamination.

16 MS. COLLINS: Those would not be a mixed waste,
17 though, just a hazardous waste.

18 MS. SUTTON: So they would have to be sent
19 somewhere else.

20 MS. BARATTI-SALLANI: Well, it wouldn't be any
21 different than we use aerosol cans on site for painting.
22 We're trying to get away from it. That's one of my projects
23 for this year is to eliminate that as much as possible, but
24 that's a waste that we ship off to a waste area. And it has
25 to be handled in a specific way just because it is an

1 aerosol can.

2 MS. SUTTON: So if this was finally approved in
3 the long run basis, if the testing was approved and WIPP was
4 approved to be a site for longterm disposal, it would still
5 only be the little booties and the test tubes and the robes
6 and what not that would be stored there?

7 MS. BARATTI-SALLANI: Yes. We cannot bring any
8 what people call high level waste like the nuclear fuel rods
9 from nuclear power plants. It will not be anything like
10 that. Nor do we take low level waste in the sense of
11 medical waste from the hospitals. We don't take that.

12 MR. DARABARIS: Any facility has restrictions as
13 to the type of waste they can accept based on the
14 application.

15 MS. BARATTI-SALLANI: Plus another thing I think
16 that would be of interest to you is the fact that if at the
17 end of the test phase everything was fine and we could prove
18 that we were capable of being a longterm disposal facility
19 there will be another public review period at that time. We
20 would have to re-apply for a long term permit to the state.
21 And we also will have to do many other kinds of public
22 hearings and public meeting forums over a period of time.
23 So there would be a lot of public input I would anticipate
24 before we would go actually into a disposal place as well.
25 We're happy you showed up.

1 MR. DUKER: That's some very good questions.
2 This, by the way, is here at the library so if you want to
3 look into some of the really detailed parts of that you can
4 do that over there.

5 MS. BARATTI-SALLANI: In fact, there should be at
6 the Raton library a lot of documents that WIPP has sent to
7 them because they are one of our reading rooms throughout
8 the state. So a lot of documentation, not just like this
9 permit application, but other documentation will be found
10 there as well. Try to keep them up to date as much as we
11 can so people can access it near where they live.

12 MR. DUKER: We appreciate your coming very much.
13 We wish there would have been more of you. Maybe we'll get
14 a few more this evening.

15 MS. SUTTON: Yes, it's hard when you have to work.
16 (Recess taken)

17 MR. DUKER: Come on up here if you would like so
18 we can get you by the court reporter. I'm not going to go
19 through this whole thing. You've heard this before, but
20 same rules apply in that you can make a presentation or
21 statement or whatever you would like to use your time period
22 for. And we allot 10 minutes per person to make their
23 statement. If you run a little bit over that, that's okay
24 as long as you don't go too far over. And obviously there
25 is going to be no demonstrations or anything like that. If

1 you would state your name for the reporter, please.

2 MS. MONTANO: My name is Catherine Montano. My
3 name is Catherine Montano. I live in Las Vegas, New Mexico,
4 planet earth. I gave a presentation in Santa Fe and my time
5 ran out. And I forgot to read the WIPP petition. I'd like
6 to present it to this board. And that's why I came all the
7 way to Raton to do it.

8 Senator Pete Domenici, Jeff Bingaman, Representative
9 Bill Richardson, Joe Skeen, Steve Schiff, Governor Bruce
10 King, and now we present it to the New Mexico Environment
11 Department. We the undersigned who value land and life now
12 and for future generations ask you to use all your power and
13 influence to prevent the WIPP nuclear dump site from ever
14 opening.

15 Governor King, and New Mexico Environment Department,
16 we ask you to enforce state law and stop any WIPP bound
17 trucks from crossing New Mexico borders. We cast our vote
18 and urge you to cast yours against opening WIPP.

19 The reason that we feel this is because we feel an
20 injustice is being done to our state. For the last two
21 years I have listened to the experts and the experts say
22 that we should leave it in the laboratories where it is
23 being produced and that we should not be trucking it around
24 the country. We're also in a deficit which we should
25 realize that transporting nuclear wastes around the country

1 is going to cost the taxpayers billions of dollars.

2 We talk about the health plan that we need in the
3 United States. People are dying left and right with cancer
4 and AIDS. The radiation is out of hand all over the United
5 States, all over the world. All our nuclear facilities are
6 grossly contaminated. It's sad that here we want to bring
7 the contamination from our nation to such a beautiful state
8 as our State of New Mexico.

9 I would like to present this petition as evidence. We
10 are going to make a copy of the 17,000 names and we'll be
11 giving you that.

12 I have here some evidence showing how the Department of
13 Energy continues to contaminate us and nothing gets done.
14 This report came out July 1990. It's title is Plutonium in
15 the Soils of Albuquerque, New Mexico. You can get this
16 document at the National Atomic Museum. The office of
17 Environment and Safety and Health, US Department of Energy,
18 Albuquerque operations office, Albuquerque, New Mexico put
19 out this report.

20 On the DOE Plutonium in the Soils of Albuquerque
21 report, like a flashing red warning light, the 1990
22 Department of Energy report, Plutonium in the Soils of
23 Albuquerque, signals serious problems for Albuquerque. DOE
24 checked 33 sites in Albuquerque for contamination, and at
25 least nine were found to have not only plutonium but also

1 enriched uranium. A map with a report indicates that the
2 University of New Mexico main campus and several parts near
3 the campus are contaminated. Even the Rio Grande Zoo
4 downtown is contaminated.

5 The report raises more questions than it answers. If
6 nine and maybe 11 of 33 sites tested were contaminated, why
7 were not areas of the city tested? If these were oil well
8 test sites it would be considered a bonanza, a private
9 residence is listed, but strangely no address is given.

10 The Department of Energy says this contamination is not
11 due to fall off from bomb testing and was somehow deposited
12 in the soil 40 years ago and therefore the Department of
13 Energy is not concerned with further investigation. But
14 this is the same time frame when radioactive waste was
15 dumped in Los Alamos, which is now resulting in numerous
16 brain cancer deaths.

17 The report says the Department of Energy checked
18 government records for accidents with plutonium. What
19 records are not mentioned. Were they in Washington? What
20 about the Sandia Labs and the secret caves in the Manzano
21 mountains used to store plutonium bomb warheads since the
22 early 50s. The fact that the Department of Energy avoids
23 any mention of the base or labs say only that plutonium may
24 somehow have been released into the city sewer systems which
25 then became sludge or fertilizer for the soil indicates this

1 is too simple. It sounds like an accident on far away
2 Mars.

3 What happened? Was it a plutonium accident which could
4 possibly have wiped out a major urban center or one of those
5 tests that the military ran on civilians during the heights
6 of the cold war.

7 Further concern, if a private resident was contaminated
8 by a backed up sewer in the bathroom, how many homes of poor
9 people up and down the Rio Grande Valley may have had backed
10 up sewers in the 50s. Also absent from the report is any
11 concern that since DOE only looked at undisturbed soil
12 sites, how much has been blown away as dust from disturbed
13 sites. Distributed sites. Using myths of the 1950s nuclear
14 education programs, the report says everything is safe by
15 comparing plutonium particles radiation to solar generated
16 radiation. Sunburns. But the two are as different as
17 apples and oranges in immediacy of effect.

18 Inhaled plutonium dust particles with a half life of
19 240,000 years have been described as the most deadly of all
20 elements. Microscopic amount causes lethal cancer when
21 inhaled or swallowed. Deadly plutonium is in the soils of
22 the Albuquerque public parks where children play. The
23 Department of Energy says this is safer than sunshine.

24 In 1953 when a heard of sheep in Utah died from eating
25 brush coated with radioactive fallout dust, the Department

1 of Energy said that the sheep died of malnutrition, which is
2 like saying we all die in the long run. This is the same
3 agency which says in 1991 the contaminated waste water at
4 Sandia they want to dump in the city sewer system is safe
5 enough to drink. Except they won't drink it. What we know
6 is this region already has an above average background
7 radiation levels due to the elevation closer to the sun.

8 In addition, Albuquerque and the university district
9 have unexplained soil plutonium hotspots not found anywhere
10 else in the nation. That the Department of Energy and the
11 military are thinking about storing 42 tons more plutonium
12 in the Manzano Mountains far from nuclear weapons turned
13 into high level waste. With the end of the Cold War the
14 plutonium near the city should be immediately removed before
15 another accident takes place, his contaminated soil should
16 be removed and many more sites in Albuquerque should be
17 independently tested. The city and the university should
18 mark the contaminated areas regardless of the Department of
19 Energy safe levels. Many scientists say there is no safe
20 level of exposure to plutonium, especially for pregnant
21 women. I would like to submit this document as evidence of
22 how the nuclear madness is out of hand and yet the
23 Department of Energy, the Environmental Improvement
24 Division, the New Mexico Environmental Division have not
25 addressed this problem in our state. Also the contamination

1 that sits in Los Alamos, in Sandia, in Alamogordo, the first
2 atomic bomb exploded in our state, we have many radiation
3 problems in our state.

4 Two days ago we buried an uncle who died of cancer.
5 Many of my brothers and sisters are dying of cancer in our
6 state. There is many problems here and we should not be the
7 dump for the nation. The nuclear madness must come to a
8 halt and we need your help. And you are in the power to do
9 something for humanity on this earth. And that's why I
10 drove all the way to Raton because it is very necessary that
11 we do something about the nuclear madness that exists
12 throughout the world.

13 I would like to conclude with this letter from Former
14 Governor Tony Anaya in giving you an idea of how we as New
15 Mexicans feel about humanity. This was released May 26,
16 1986. Santa Fe, New Mexico was first among all states in
17 participating Hands Across America. Governor Tony Anaya
18 said today when you compare the number of people who joined
19 the line in each state with the population of that state New
20 Mexico, easily ranked number one. Anaya said an estimated
21 238,000 people held hands in New Mexico. 18.25 percent of
22 the 1980 census population. This demonstrates once again
23 that New Mexicans are compassionate people who care about
24 their fellow citizens. New Mexicans care that people in
25 America are hungry and homeless. We drove great distances

1 yesterday to stand in the hot sun to prove it Anaya said.
2 We congratulate New Mexicans for their effort on behalf of
3 this project. We also congratulate the New Mexico
4 organizers of this project who did an excellent job of
5 combining fun and safety for all. We especially
6 congratulate efforts put forth by the city of Espanola who
7 proved yesterday that they do not deserve to be the butt of
8 anybody's joke. If everyone had participated the way
9 Espanola did, we could have held hands around the world the
10 governor said. And this effort was done for the homeless
11 and hungry here in the United States.

12 And if you wonder why the people of the north are not
13 here, it is because we have come so many times to talk to
14 our officials and to tell them to please not to kill us, but
15 they don't listen. That's why I feel they're not here today
16 because they feel you're not listening to us any more. And
17 we need to listen to each other. We need to love each
18 other. We need to show that we are all brothers and sisters
19 on this earth. And it is time to stop the nuclear madness.
20 And I ask this board to do everything in their power to help
21 us stop the nuclear madness throughout the world. Thank
22 you.

23 MR. DUKER: Ms. Montano, would you like us for
24 take that as record?

25 MS. MONTANO: Yes. This is a map of the

1 contaminated areas that they documented in Albuquerque. And
2 this is the report. And we will be giving you the WIPP
3 petition, a copy of it.

4 MR. DUKER: Okay. We'll log this in as we did the
5 petition presented night before last. So that's already
6 been taken care of.

7 MS. MONTANO: Thank you very much for your
8 attention.

9 MR. DUKER: Thank you for coming.

10 (Recess taken)

11 MS. MONDRAGON: My name is Penny Mondragon. And
12 the reason people aren't coming, people I've asked, they
13 asked me, "Are they going to create jobs for people here?"
14 And they said no. And they said, "We're not interested."

15 MR. GARCIA: Basically that's Raton, everybody in
16 Raton. They just don't care to come to the meeting unless
17 it provides an economic benefit, right?

18 MS. MONDRAGON: They're interested in getting a
19 job, getting some money so they can go shopping at the
20 grocery store. They're not interested in things that don't
21 create jobs. That's it.

22 MR. GARCIA: I just wanted to get that on the
23 record.

24 MS. MONDRAGON: Thank you.

25 (The Hearing recessed at 6:51 P.M.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF NEW MEXICO)
) SS
COUNTY OF BERNALILLO)

I, DONALD A. HILLAND, CSR, Certified Court Reporter for the State of New Mexico, hereby certify that I reported these proceedings to the best of my ability, that they are a true and correct transcript of my stenographic notes, and were reduced to typewritten transcript through Computer-Aided Transcription; and that on the date I reported these proceedings, I was a New Mexico Certified Court Reporter.

I Further Certify that I have no interest in the disposition of this matter.

Dated at Albuquerque, New Mexico, this 23rd day of November, 1992.



DONALD A. HILLAND, CCR
New Mexico CCR No. 204
Expires: December 31, 1992

****THE COST NOT NECESSARY FOR NONAPPEALS****
The total cost of this transcript is \$_____.

ON THE DOE "PLUTONIUM IN THE SOILS OF ALBUQUERQUE" REPORT

Bob Anderson

Like a flashing red-warning light, the 1990 Department of Energy (DOE) report "Plutonium in the Soils of Albuquerque" signals serious problems for Albuquerque. DOE checked 33 sites in Albuquerque for contamination, at least 9 were found to have not only plutonium but also enriched uranium. A map with the report indicates the UNM main campus and several parks near the campus are contaminated. Even the Rio Grande Zoo Park downtown is contaminated.

The report raises more questions than it answers: If 9 (and maybe 11) of 33 sites tested were contaminated why were not more areas of the city tested? If these were oil well test sites it would be considered a bonanza. A private residence is listed, but, strangely, no address is given.

DOE says this contamination is not due to fallout from bomb testing and was somehow deposited in the soil 40 years ago, and therefore DOE is not concerned with further investigation. But this is the same time frame when radioactive active waste was dumped in Los Alamos which is now resulting in numerous brain cancer deaths.

The report says DOE checked "government records for accidents with plutonium." What records are not mentioned, were they in Washington? What about the Sandia Labs and the "secret caves" in the Manzano Mountains used to store plutonium bomb warheads since the early 50s? The fact that DOE avoids any mention of the base or Labs, saying only that plutonium may somehow have been released into the city sewer system which then became sludge/fertilizer for the soil indicates this is too simple. It sounds like an accident on far away Mars. What happened? Was it a plutonium accident which could possibly have wiped out a major urban center, or one of those tests the military ran on civilians during the height of the cold war?

Further, consider if a private residence was contaminated by a backed-up sewer in the bathroom how many homes of poor people up and down the Rio Grande valley may have had backed-up sewers in the 50s? Also absent from the report is any concern with the fact that since DOE only looked at undisturbed soil sites, how much has been blown around as dust from distributed sites?

Using myths of the 1950s nuclear education programs, the report says everything is safe by comparing plutonium particle radiation to solar generated radiation (sun burns). But the two are as different as apples and oranges in immediacy of effect. Inhaled plutonium dust particles, with a half-life of 240,000 years, have been described as the most deadly of all elements - microscopic amounts cause lethal cancers when inhaled or swallowed. Deadly plutonium is in the soils of Albuquerque public parks where children play. DOE says this is safer than sunshine!

In 1953, when a herd of sheep in Utah died from eating brush coated with radioactive fallout dust DOE said the sheep died of malnutrition (which is like saying we all die in the long run). This is the same agency which says in 1991 the contaminated waste water at Sandia they want to dump in the city sewer system is safe enough to drink - except they won't drink it.

What we know is: this region already has an above average background radiation level due to the elevation, closer to the sun; in addition, Albuquerque and the university district have unexplained soil plutonium/uranium hot spots not found anywhere else in the nation; that DOE and the military are thinking about storing 42 tons more plutonium in the Manzano Mountains from nuclear weapons turned into high-level waste with the end of the Cold War (Albuquerque Tribune Nov. 2, 1991).

The plutonium near the city should be immediately removed before another accident takes place. The contaminated soils should be removed and many more sites in Albuquerque should be independently tested. The city and university should mark the contaminated areas regardless of DOE "safe" levels. Many scientist say there is no safe level of exposure to plutonium, especially for pregnant women.

[For a copy of the report ask for the plutonium file at Kinko's on Central or at CARD (144 Harvard SE) 266-2663. If you are concerned call: City Council 768-3100, Gov. King 827-3000, Tom Udall 827-6000, Sen. Bingaman 766-3636, Sen. Domenici 766-3981, Rep. Schiff 766-2538, Rep. Richardson 988-7230, UNM 277-2626, State Rep. McSorley (university district) 266-0588.] 11/26/91