UNITED STATES GOVERNMENT

ENVIRONMENTAL PROTECTION AGENCY

PUBLIC COMMENT ON CERTIFICATION OF WASTE ISOLATION PILOT PROJECT

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

EPA PANEL: RICHARD WILSON
LARRY WEINSTOCK
FRANK MACINOWSKI
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MR. WILSON: Good evening, and welcome to the U. S. Environmental Protection Agency's continuation of our hearing to receive comments on our proposed decision to certify that the Department of Energy Waste Isolation Pilot Plant, known as WIPP, is in compliance with EPA Radioactive Waste Disposal Standards.

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

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

Larry Weinstock, Frank Marcinowski, and Mary Kruger, all in the radiation division, working on this project and other issues, and Keith Matthews from our General Counsel's office.
I won't go through all the background that I did when we started this afternoon, but just for those of you who weren't here, I'll mention how the hearing works. It's an informal hearing, so we don't swear people or have cross-examination. We just are here to get your comments on our proposal.
We have had to limit the time each person has in order to make sure each person had an opportunity to speak, so individuals have been given five minutes. If you are representing a group, you have ten minutes. We have a little timer to help you get a sense of where you are in terms of the schedule. It will turn green when you start your testimony, it turns yellow at about two or three minutes, and then turns red when your time is up. It's okay if you are over a little or under a little, but please try to stay roughly on time. We're going to stay here tonight as late as we need to so that everyone has a chance to testify who is here who wants to testify, but if you take longer than your time, you are really eating into somebody else's time, so that I encourage you to try to stick to our schedule. If you have a longer statement than that, we would be happy to take it and enter it in full in our record.

For those of you who are interested in
submitting comments later, our public comment period is open until February 27. There's information in the back about where to send the comments to. If you would like to send comments in writing, in addition to any testimony or instead of testimony, or in response to somebody else's testimony, I'd encourage you to do.

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

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

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

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

Richard Polasi, I think is -- Is he here?
(Note: No response.)
Okay. We will try again in a minute.
20  Deirdre Boak.

21  MS. BOAK: Are we supposed to use this microphone?

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

23  MS. BOAK: My name is Deirdre Boak, and I'm a resident of Santa Fe County. I'd like to comment on
the WIPP certification process.

First of all, in a book entitled Uncertainty, Morgan and Henrion quote Cicero as saying:

Probability directs the conduct of the wise man.

This is very relevant for WIPP certification, because we will never know with perfect certainty about the performance of this system over the next 10,000 years. In fact, I think that Morgan and Henrion, who are recognized experts in scientific uncertainty and policy issues, would argue that perfect certainty, i.e., the elimination of all uncertainty, is neither attainable nor desirable. The EPA must make the certification decision on the basis of the reasonable likelihood or probability that TRU waste can be safely isolated for the performance period.

As a taxpayer, and with respect to WIPP, I do not want to pay for the collection of information that is not of direct relevance to ensuring either safe, long-term repository performance or operational safety,
so knowing the exact contents of waste containers, for
instance, may not be necessary. In fact, we ought to
be working to remove the conservative assumptions made
in the areas of waste characterization and
transportation, because unnecessary conservatism both
costs taxpayers money and adds nothing to their safety.
Conservative assumptions could also seriously constrain
an ability to ship waste to WIPP inappropriately
constraining DOE’s ability to solve a system-wide
environmental problem.

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

Finally, I’m concerned about the ability of
fringe groups to influence the certification process
politically. I recently got a notice from a local
group stating, quote, "EPA has caved in to DOE pressure
and announced its preliminary decision to approve the
This notice goes on to say that the particular organization has been invited by the Attorneys General of Texas and New Mexico to participate in several lawsuits seeking to stop the opening of WIPP because of safety problems.
I do not believe the EPA has caved in to anyone. There is a process defined by the regulations that will get us to the right answer on WIPP safety.

So I ask you not to be swayed by people or arguments indulging in political power plays. I ask you not to take costly conservative positions without careful thought. Please make the certification decision on the technical issues and the regulatory guidelines.

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

Next is Jeremy Boak.

MR. BOAK: Yes, there is a relationship.

Thank you.

My name is Jeremy Boak. I'm a geologist by training, and I spent five years directing performance assessments of the potential repository site at Yucca Mountain for the Department of Energy. I reviewed performance assessments prepared for WIPP, Yucca Mountain, and other potential repositories in Sweden,
Japan, and Switzerland, and it is my conclusion that
the WIPP performance assessment meets the very high
standards set by the international repository
community, and that the site shows a very high
likelihood of complying with the extremely stringent
requirements set forth in the EPA standards. I urge
the EPA to proceed with all due speed to complete its
evaluation and certify WIPP so that the waste for which
it was constructed can be removed from the vulnerable
above-ground locations they now occupy.

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

At one of those workshops a former employee
of one state agency, formerly employed by the Natural
Resources Defense Council, criticized the Department of
Energy for focusing solely on compliance rather than
attempting to take a scientific approach to defining
safety. In the same session, a lawyer who had been
responsible for the remanding of the EPA regulations
20 pointed out to the many technical experts present that
21 the regulations were not simply a technical document,
22 they also were conditioned by legal, as well as
23 political, considerations. This was appropriate, as
24 the regulations must be enforceable legally, and must
25 meet the objectives of the public in whose name the
regulations are generated.

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

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

21 My work in repository siting has also given

22 me a wide variety of opportunities to examine the

23 efforts of numerous individuals and organizations who

24 do wish to stop or delay characterization, licensing,

25 and operation of deep geologic repositories for nuclear
A moderate number of thoughtful technical criticisms have been put forward, many of which have been subsequently addressed by characterization and analysis. Unfortunately, a great deal of the criticism has not been so thoughtful or so well posed technically. Indeed, it has commonly been characterized by some or all of the following tactics:

- Repetition of refuted arguments, as if they had never been refuted;
- Demands for "absolute" or complete proof before acceptance;
- Attacks on the opponent's case without presenting a testable alternative;
- Distortion of opponents' arguments;
- Profuse citation of documentation without distinguishing between qualified and unqualified sources;
- Caricaturing the opponent's position to make
it look ridiculous;

demagogic appeal to emotion rather than reason. Any time you hear reference to Auschwitz of Dachau in these hearings, you can be reasonably sure it is an example of this tactic;

the book Science on Trial: The case for
Evolution which poses arguments used by so-called creation scientists to argue their case.

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

The time has come to ignore the political element which Mr. Reicher made clear was vital to the creation of the regulations, a process which had to
balance the constraints of science, the law, and the popular will. The result satisfied the advocates of none of the three, I suppose. The Certification of Compliance of the Waste Isolation Pilot Plant with those regulations is, however, a matter for technical evaluation and legal, that is regulatory, analysis
I'd like to quote our Secretary of State Madeleine Albright, in a commencement address she made at my Alma Mater in commemoration of the announcement at that same institution of the Marshall Plan to reconstruct Europe and the European economy. She said: There is no certain roadmap to success, either for individuals or for generations. Ultimately, it is a matter of judgment, a question of choice. In making that choice, let us remember that there is not a page of American history of which we are proud that was authored by a chronic complainer or prophet of despair. We are doers.

The challenge she lays out is, of course, broader than that facing the EPA regarding WIPP; however, I think the underlying message is applicable.

The best way to meet her challenge is to move ahead to be the first nation to dispose of this legacy of the
Cold War in the way recommended by the international scientific community: To accept, with whatever conditions are warranted by the technical and regulatory issues you identify, the Application of the DOE for Certification of the Waste Isolation Pilot Plant, and to set aside the political assertions of

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

Thank you very much.

MR. WILSON: Thank you.

Next, Michael Collins. Michael Collins.

Is Michael Collins not here?

(Note: No response.)

Audrey Curry? Hi.

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

What are my qualifications?

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

MS. CURRY: Sure.

What are my qualifications? Well, I am neither a scientist nor a politician, but I am also not a radical Luddite who responds to the complexities of the world by opposing progress. I'm an educated citizen, voter, taxpayer, home and business owner, who
would like to see our community and state remain a safe place to live, work and raise a family.

Economically, the transportation of radioactive and other toxic waste through Santa Fe is a devastating proposition. Property values have already dropped along the WIPP route before it opened, and an
accident would cripple the entire real estate market, resulting in the loss of millions of dollars.

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

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

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

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

The Department of Energy's record of radioactive waste handling is far from inspiring.
Every site the DOE has managed has severely
contaminated the surrounding communities' water, air,
and soil, and unnecessarily exposed millions of people
to radiation over the years. It is a matter of public
record that at Rocky Flats several years ago the DOE
was found in violation of regulations. They were

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

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

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

The DOE is a powerful military agency, and
it's difficult to win against them. They feel their
development of nuclear waste is justified to protect
I'm just a little nervous.

MR. WILSON: You're doing fine.

MS. CURRY: Thank you.

But I feel that my wellbeing is in more
danger from the DOE than any foreign threat.
I believe in job security, but not at the expense of our own safety, health and economy. Isn't that what the military is supposed to protect? But in the name of their own job security and so they can continue getting funding from Congress, the DOE will sacrifice its own citizens, these same citizens whose taxes pay for their very existence. It's time to stop. We can have a strong military without sacrificing a healthy environment in which to live.

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

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

I hope the EPA will review their priorities and do what their name suggests they do: Protect.
20 Protect the citizens of this nation from the hazards of
21 radioactivity and the other toxic waste that will be
22 transported to the WIPP site.
23 MR. WILSON: Thank you very much for your
24 testimony.
25 I understand Michael Collins is here now. Is
that correct?

MR. COLLINS: Yes.

MR. WILSON: Good evening.

MR. COLLINS: Good evening.

My name is Michael -- Can I move this?

MR. WILSON: Sure.

MR. COLLINS: Excuse me. I was having a
little computer trouble. Actually, it was the
operator.

My name is Michael Collins. I would like to
begin by extending greeting and a welcome to the folks
from our federal government, EPA, DOE and their
contractors.

Let me just settle down. I'm a little
nervous. I ran over.

I work for the state government at the
Children, Youth and Families Department in Santa Fe,
although I'm not representing any organization. I am a
state council member of the Green Party of New Mexico.
If you would like to know more about it, the local phone numbers is GREEN A1.

I trust it is understood that nothing I say, or maybe I should qualify that, nothing I say is directed personally against any of you. However, that said, this is all very personal, about as personal as

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you can get, dealing with our air, earth and water, our

skin, lungs, thyroids, our fundamental chromosomes, our

children. Yours, too, and their kids and

greatgrandchildren to the Nth degree. Genetic damage is

pretty permanent.

That is why we are very angry and outraged.

It is insane that we are talking potential major toxic

hazards so calmly, as if we were simply discussing some

federal rules and regulations that were promulgated

with a little deadline to submit comments.

We are facing a deadline. Nature’s. Mother

Earth and her inhabitants can only take so much abuse.

WIPP might happen, basically against the will

of the people of New Mexico. We have never had the

democratic opportunity to vote up or down on the issue.

New Mexico and Nevada, the Southwest in general have

been designated as national sacrifice zones, apparently

because -- apparently because there are open spaces and

relatively small populations. Hopefully, not because
there are large numbers of Hispanics and Native Americans that are treated as second class citizens or Third World countries.

We have repeatedly expressed to the DOE, EPA, LANL, the State Environment Department, the State Highway Department and others why WIPP is unsound and
why the DOE or Atomic Energy Commission has proven over
the past 60 years that it is unqualified to operate
such a dangerous operation safely.

What is DOE's record regarding environmental
reviews? What proof has been provided to the EPA that
the Carlsbad site will not become just one more of the
100-plus contaminated sites of the AEC, aka DOE? Is
the record of the DOE such that the American people can
feel safe around its projects, vehicles, or containers
exposed to high-speed traffic through New Mexico and
some 20 other states en route to Southern New Mexico?
The emergency preparedness is not adequate
throughout the country or in our state. Please check
it.

Has the WIPP contractor Westinghouse, or any
other DOE or Department of Defense contractor, ever
experienced radioactive accidents, or have they ever
been cited by the EPA, the Nuclear Regulatory
Commission, the GAO, or any of the other regulatory
Please check the health and safety records of DOE, Westinghouse, and any other WIPP-related contractors, including trucking companies to be used, security, emergency response teams at the site and on the national route, and check all vendors.

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1 Is WIPP the safest, best science we have?
2 Could irreparable harm be done to New Mexico, Texas,
3 and Mexico, or beyond, forever affecting future use?
4 Water flows within the earth, as you know,
5 like blood in the arteries of a living organism. It
6 is.
7 Is the EPA, a relatively small, underfunded
8 agency, being pressured by DOE, a large, well-funded
9 one?
10 Americans are relying on EPA to be the
11 citizens' watchdog, as well as the government's, to
12 safeguard the health of our families, our children, and
13 the environment.
14 When visiting the WIPP site it appears
15 relatively isolated, even from Carlsbad or the Pecos
16 River. My understanding is plutonium once loose cannot
17 easily be retrieved.
18 Logic would dictate that before man spends --
19 over a billion dollars were expended of taxpayers'
money, yours and mine, EPA would have been an initial consultant for the certification of the plan to meet standards.

I respect the integrity of the EPA and its scientists, although we would like to know who evaluated WIPP. I cannot believe that DOE can expect a
rubber stamp from EPA and its scientists if it is not --

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

MR. COLLINS: Thanks. I appreciate that.

MR. WILSON: Thank you.

MR. COLLINS: Like a friend once said, "I didn't know when we had free speech, it was only five minutes."

MR. WILSON: You do have a statement. We will be happy to put the whole statement in the record.

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

MR. WILSON: Good.

MR. COLLINS: -- if it is not truly -- I cannot believe that DOE can expect a rubber stamp from EPA and its scientists if it is not truly meeting the health and safety standards. I trust the standards have not been weakened to accommodate DOE. Like I said, this is not personal.
I implore you before making a final decision,
please use caution. Opening WIPP could probably set a
precedent for the irretrievable burying of nuclear
waste in the U.S. and abroad.

We expect you to be no less than honorable
with New Mexico.
I do not like division among people. There does not have to be an "us or them" approach, or "good guy/bad guy." We all have too much to do in our life to continue to be divisive and quarrelsome.

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

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

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

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

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

MR. COLLINS: And the press clipping.

MR. WILSON: Okay. Thank you for your
20 testimony.

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

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Next is Tim Curry.

MR. CURRY: Good evening. My name is Tim Curry, and I'm representing Design Solutions, which is an organization of builders and general contractors. I want to thank you now for the opportunity to address you about these issues which I think are so critical to the community of Santa Fe and the State of New Mexico.

I have to admit that I find it fascinating that we are all here again at yet another hearing to decide the fate of the WIPP plant. After so many years of meetings, and so much work to point out the faults of the WIPP project, I think it would be safe to ask whether these have been hearings or hard of hearings. So many of the questions we have asked have gone unanswered, and so many of the safety issues we have raised have been ignored. Sometimes it just seems like nobody is listening.
So if you can hear me, please let me know by raising your hand.

Thank you.

There's one aspect of this whole problem that I'd like to address. And it just runs with me all the time, and it's really an issue; and that is, whether or
not we are using any common sense at all when we're looking at this whole problem. Where is the common sense that is so vitally needed when we're dealing with toxic waste that is going to be a threat to all of humanity for thousands of years? Where is this common sense? It seems like it's in short supply.

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

Was anyone exercising any common sense when it was decided that the best way to clean up existing nuclear waste was to create a brand new site and contaminate the ground there? In other words, does it make any sense at all to take a non-nuclear site that is free and clear of any contamination and destroy that environment for the next few centuries to come? Does it make sense to take an area that is already radioactive and try to clean it up of every phase of potentially harmful waste? Is it even possible to accomplish such a task?
Will we ever really be able to clean up Rocky Flats or Hanford so that it is actually safe for homes or businesses? Isn't it true that the toxins, poisons, radioactive waste will forever contaminate these sites?

Common sense and past experience tell us that no matter what we're told, these areas will always be
regarded with fear and concern regarding their true status. No one will ever be able to work or live on these sites without concern for their safety. The fact is that the Rocky Flats site will never be a safe area on which to construct homes or businesses and at the Hanford site in Washington nuclear contaminants have even been found in the water. We will spend millions of dollars in an effort to minimize this damage, but isn't it obvious there will never be a complete or total clean up of this site or others?

The fact is there are dozens of sites across the country that are already highly contaminated with radioactive waste. Rocky Flats is dangerous, and it will remain so, as will most, if not all, of the other sites. Health authorities in these areas are exercising their common sense and demanding that these sites be cleaned up. And they should be cleaned up to whatever extent is possible. But the point I wish to make here is these sites are already contaminated,
20 already geographic sites that are loaded with problems.
21 Indeed, they are the nuclear children of the Love Canal
22 with a life span that is truly frightening. They will
23 remain unsafe for many generations to come. Surely
24 they must be cleaned up, but only to the extent that is
25 logically obtainable.

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

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

Please explain this to me. You want to create a site containing the most poisonous substances
known to man, and you have no intention of cleaning it up.

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

Is anyone listening? Because this is an exceptionally bad design concept.

As a builder, I would submit this is quite
possibly the pinnacle of ignorance in logic design. 
Where is the logic to create a site where the waste 
will not be accessible for clean up when it's complete? 
Is anyone looking to the future? 
The problems with this site are well 
documented. No one can prove the safety of this site 
on a long-term basis. No one can prove that the waste 
will not migrate into the water table at some future 
date. 
The issues involved in transportation of the 
wa...
impossible there will never be a problem of any kind at the site?

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

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

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

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

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

MR. WILSON: Pardon? How much additional time?

MR. CURRY: Approximately another five minutes.

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

MR. CURRY: Okay.

What I am saying is now is the time to realize there is a fundamental problem with this whole concept. Twelve months ago scientists were predicting that the cloning of an animal might be possible in as
little as ten years, yet in yesterday's newspaper they
are talking about cloning a human in six months.
So the concept is that, you know, you're not
giving science -- you're not giving science the
potential to come up with a solution to this problem.
The problem that we have is that you're
looking at putting this waste in a place where it's
buried and it will be inaccessible, and you are not
giving science a chance to come up with a solution to
this.

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

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

Common sense tells us currently there's no
scientific way to prove the material can be contained for thousands of years. How can this project be in compliance with EPA codes when it does not conform to basic tenets of common sense for environmental safety?

So what is the solution? For the present it seems entirely logical to leave the waste where it is,

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

Thank you.

MR. WILSON: Thank you very much.

Next is John McCall.

MR. McCall: Good evening. Thanks for
another opportunity to speak to you again.
My name is John McCall, and I am an attorney. I work in Albuquerque and Santa Fe. I am also a member of the State Green Council for Bernalillo County, and I'm also a member of the Association for Public Interest Law. And our number is 256-7690. You may want to write that down. We are the association that.
designed the lawsuit that stopped the welfare reform in
New Mexico. We are the association that enjoined
Medicaid Managed Care from abusing children in New
Mexico after they held a series of hearings similar to
this and then made a decision that was totally contrary
to the public interest.

So are people ready for a lawsuit?

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

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

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

I mentioned to you yesterday a couple of
20 things in litigation that has gone on before. One was
22 628, found that "enhanced geotechnical monitoring
23 systems will provide at least six months of advanced
24 warning of roof falls and the safe retrieval of waste."
25 That is what the Defendant said in that case. And the
Court said: "The report, however, shows there is a great likelihood that the waste proposed to be emplaced in WIPP will not be retrievable after the test stage."

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

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

This is your duty. You have a duty to uphold those documents. And if you think that any of these scientists that have come before you or talked to you about this -- they are the same scientists that put Los
Alamos on a volcano which, amazingly, there was magma
found on that volcano coming out the surface a couple
of years ago.

And you have already heard about the earthquake.

So in New Mexico we are a little nervous
about what you are doing to our environment here.

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

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

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

That was found under the Chevron standard we discussed yesterday, as well of Agency decision making. But I'm asking you -- you have already thought about this, EPA has already looked at this.
Look at it from a constitutional standard, look at it from the standard that was used when this country was founded. What were the people upset about? They were upset about the kind of decision making that goes on where you hold a hearing and then do the opposite of what everybody wants you to do, except for a few
scientists who happen to be paid 50- to $75,000 a year,
and feel a great interest in telling you to do
something else.

So what we are asking you to do here tonight
to avoid a lawsuit is to preclude the opening of the
WIPP. You have that power. You are the guardians of
the environment here in United States. So, please,
exercise it. Otherwise -- well, we will pass laws in
our state saying you can't come down our roads --
although that's been found in the Supreme Court you
can't close the roads down. But we can certainly say
your trucks have to have a lot of specifications met,
or DOE's trucks have to have a lot of specifications
met that makes it very difficult to come through here.
We have the public health and safety in mind;
therefore, I think we could win that court case.
If you don't decide otherwise, we will end up
in court, and it's going to cost thousands and
thousands of dollars, temporary restraining orders, et
20 cetera.

21 So please, think about the future, think

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

23 environment in New Mexico.

24 MR. WILSON: Thank you Mr. McCall.

25 Next is Polly Roddick.

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

Polly Roddick.

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

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

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

Moreover, some younger scientists point out that Western science has never proved, using its own scientific method, that logic and reason are the only route to knowledge. Western science accepts the
supremacy of logic and reason with an act of
fundamentalist faith. Such fundamentalism is not
adequate to address our nuclear waste problem.

The EPA needs to take a more open-minded and
ultimately wiser and holistic approach in order to heal
the insanity, the greed, the denial, the
shortsightedness and the total disregard for our
children's future that wants to bring us WIPP.

MR. WILSON: Thank you for your testimony.
Next is Wendell Wearth.

Mr. Wearth.

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

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

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

I am not going to address all of the detailed
science that has shown the WIPP to be a safe and robust repository tonight. Tens of thousands of pages of documentation adequately present that argument. I will, however, summarize two or three issues about which I feel particularly strong.

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

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

I'd also like to comment that the shaft seals and the natural salt creep assure that the only potential for release of radioactivity from WIPP will be through human intrusion into the actual waste areas at some time in the distant future. Salt creep assures that waste will be entombed over 2,000 feet deep in a
Finally, the extensive and detailed calculations using conservative models and model parameters to examine the consequences of human intrusion so that radioactive releases, even from...
repeated direct penetration into the waste, will be
well below EPA criteria and will present no health and
safety issues. Assurance measures, such as robust panel
seals and magnesium oxide backfill, add additional
conservatism to predicted releases.

So why the controversy over WIPP? Why the
inordinate delay in using the facility to improve the
radioactive waste safety in this nation?
The public, of course, is uncertain and can
be misled when so much of the opposition's rhetoric is
an emotional plea to the presumed specter of
radioactive disaster.
The risk of WIPP in all its aspects are far
less than for many commonly accepted, everyday
activities.

So what and who does the public believe?
What do we do about the problem of the diversity of
views you've heard here tonight?
On the one side, we have the scientists who
have worked on the project; on the other side, the
opposition.

I would submit that the public and the EPA,
if they have not resolved this with their own analysis,
look to the independent reviews that have been
conducted on the WIPP. The National Academy of
1 Sciences - WIPP panel, and numerous national and
2 international expert panels have examined the science
3 and assessment of WIPP safety, and all support the
4 position taken in the Certification Application.
5 EPA has also undertaken their own reviews and
6 analyses. Even when EPA expanded the conservatism of
7 the DOE's modeling and model parameters, the WIPP
8 proved to be so robust in its isolation of the
9 radioactive waste that the calculated releases were
10 well still within the limits of the standards.
11 The time has come for EPA to finally
12 recognize the scientific consensus and to determine
13 with their Final Rule that the WIPP can be operated
14 safely within the bounds of their regulation. No
15 useful scientific purpose can be served by continuing
16 to give credence and endless study to so-called new
17 issues conceived by opponents desperately seeking to
18 find ways to delay WIPP under the pretext of
19 questioning its safety.
Examples of such issues most recently floated are air drilling, and haggling over the precise functioning of magnesium oxide backfill. Neither issue is of a nature to warrant inclusion by the EPA as a condition in the final rule. Even if such studies were included, the data exists and are documented to a

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

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

MR. WILSON: Thank you, Mr. Wearth.

Next is Priscilla Logan.

MS. LOGAN: Good evening. My name is Priscilla Logan. I'm a teacher in the Santa Fe Public Schools, and I've been an elementary teacher here in
Santa Fe for 23 years. We met before. I have been continually speaking what I feel comes from my heart and my concerns about WIPP.

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

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

MS. LOGAN: Thank you.

MR. WILSON: Okay.

MS. LOGAN: The intersection of Cerillos Road and St. Francis is not only a very busy intersection of
two different streets, but it's also an intersection
where a railroad comes through. That's where the WIPP
trucks are planned, because we haven't gotten around to
building the Richards Bypass.

So even if we were going to a safe site, we
are going through an area that is extremely dangerous.
And there's two elementary schools within two blocks of that area. That's a real concern of mine. And I don't think it's just Santa Fe, New Mexico that has that problem. I think there are other cities and other towns that aren't aware of the WIPP trucks going to be going through their communities. So when they arrive at the WIPP site in Carlsbad, what are they putting the radioactivity into? I'm aware that you have made certain safety standards that need to be met by WIPP, and I'm also aware that many of those safety standards cost a lot of money and take a lot of time. And I'm also aware that some of those safety standards, so that we can quickly put the radioactivity into the site are being sort of put to the side. As an elementary school teacher, we set up standards and we live by them so that we can all get to wherever we are going and get there in one piece. I don't understand why we're taking all these shortcuts.
20 And, yes, it's taking a lot of time, but I think you
21 and I and our children are worth it.
22 Thank you.
23 MR. WILSON: Thank you.
24 Next is John Dendahl.
25 MR. DENDAHL: Mr. Wilson and your colleagues,
I am John Dendahl, a native of Santa Fe, and my education includes Bachelor's degrees in electrical engineering and business administration.

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

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

I have periodically furnished testimony at hearings addressing WIPP for about 23 years. These
have included hearings in Congress, the New Mexico legislature, and a number similar to that being held this evening.

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

I would like to share an anecdote.

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

During the question period, I asked what the consequences would be if, in fact, someone put a drill through WIPP sometime during the next 10,000 years. He thought a moment and replied: Not much. I believe that pretty well sums up the consequences of each and every scary "what if" conjured
up by some of the legions of parties asking, "What
if..."

Not much.

The adjective "safe" generally has meaning
only generally in the relative sense; that is,
safe compared to what? However, as that adjective has

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

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

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

Thank you.

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

Is Richard Palosi here?

(Note: No response.)
20 Okay. Next is Stanley Tenorio.

21 Oops. Here he comes.

22 MR. TENORIO: Good evening.

23 MR. WILSON: Good evening.

24 MR. TENORIO: My name is Stanley Tenorio.

25 I'm a member of the San Felipe Tribal Council, but I
I wish to emphasize that I am speaking for myself on this matter.

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

I also have heard of the very real dangers posed by the continued storage of the waste at Los Alamos National Laboratory. I have heard of the very real dangers in the integrity of that storage, sometimes above ground, sometimes in wooden containers, sometimes under the flimsy shelter of tents, and sometimes in leaky and deteriorated barrels, which could be breached by a fire, by a storm, by a wind, by any of the many fearful forces of nature that abound in
this wonderful land of ours.

I have heard of the very real finding of radioactive materials that have contaminated sediment at Cochiti Lake, the lake that supplies crucial waters to my Pueblo further downstream. I have heard of the very real contamination by deadly plutonium of the
beautiful Columbia River along the Oregon and Washington border, plutonium that has leaked out of the tanks into the ground of the Hanford Nuclear Reservation in the State of Washington, and from there into the river.

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

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

And I thank you for listening to me.

MR. WILSON: I thank you for coming tonight.

Next is Susan Halford. Yes.

MS. BACA: I'm speaking in Susan Halford's
MR. WILSON: Okay. Please come up.

MS. BACA: Good evening. My name is Dolores Baca, and I represent the community of La Bajada.

Our irrigation system in La Bajada provides water to more than 75 acres, to the farms, to the
people of La Bajada to use to grow their own food. We
are not a rich community. We farm and grow because it
is how we feed our children and ourselves, and the
water we depend on to keep our crops and ourselves
alive comes from and flows through areas in the
immediate vicinity of the Los Alamos labs, areas where
radioactive waste has, for 50 years, been stored in
shallow trenches or temporary containers.

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

No, we cannot spend our time worrying about
the imaginary dangers. In our world, real radioactive
waste is buried in real shallow trenches, in real
proximity to the water we use on real crops. We do not
have the luxury to imagine future danger, we must worry
about today's threat.

The truth is we live on the edge of a
radioactive waste dump. That is not a fancy way to put
it, but it's the truth. We live there because our
families have lived there for many, many years, because it is our land, because we can afford to live there.

We were not asked if the land next to ours could be made into a radioactive waste dump, we were not told it was happening, but now when our government finally admits to the danger we are in and takes the steps to make us safer, some people with the luxury of distance, the luxury of time, want to argue over imagined visions of doom in their neighborhoods, while we continue to live in the shadow of real disaster in our neighborhood.

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

Well, I thank the Department of Energy for
holding these hearings at a time that working people can make a comment, because we, the working people of the community of La Bajada, do not have to imagine future dangers. We live with the present danger just across our property lines. We live with waste buried in shallow trenches in the immediate vicinity of our

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watershed every day of our lives.

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

Thank you.

MR. WILSON: Thank you.

Next is Amy Manning.

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

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

Some months ago a citizen and city staff task
force was created by city resolution to study proposals
for establishing a Waste Isolation Pilot Plant route
for shipment of the dangerous waste brought from Los
Alamos National Laboratories to the WIPP underground burial site near Carlsbad.

Specifically, the task force was asked to explore Santa Fe's options to the transportation of WIPP waste along St. Francis Drive, to work to secure the necessary funding for the construction of a safe
Santa Fe relief route, and to report to my committee, which, in turn, would study the task force report and make recommendations to the full City Council. The task force of nine people, four of them city administrators, held eight meetings between March 18 and June 18 of this year, and produced a report that led eventually to the City Council approval of a waste route with certain restrictions. Permit me now to make certain observations, although they are personal, but in light of that decision we did make some personal observations. Please note that the dominant elements of my committee is the public safety. That was our only concern: A search for a solution that would minimize or even eliminate any danger to the public at large in this region and in the city. That danger is obvious. It is the vast amount of nuclear waste stored, if that is the word, in a variety of ways in and around Los Alamos.
Laboratories. There are legitimate concerns about the safety of that stored waste and the threat that it poses for those of us who live in this area. We can't wish that danger away. It was created decades ago with the arrival of the nuclear age. Debating the merits of its existence is futile. It's there. The only useful
discussion must be what to do about it and where to move it.

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

As for contending elements, there are at least four.

There are those who believe the waste must be shipped from Los Alamos to WIPP no matter what; those who believe that no shipments of waste should come through Santa Fe; those who believe there should be no shipments at all, on the theory that technology will catch up with the hazards and find a way to neutralize the waste on site;
and four, those who contend that WIPP must be
opened, and contend that under federal law we cannot
stop shipments on a federal highway, St. Francis Drive,
for example, regardless of our concerns, and that our
only responsible and reasonable alternative is to
endorse the opening of WIPP and the safest possible
I number myself among those. I am convinced that a vast number of people in this area want the waste removed to WIPP. I am convinced that the U. S. Department of Energy and the EPA are committed to reason, not politics. I am convinced that we should not spend time discussing the merits of deep burial of the waste, in as much as all available scientific studies have established that as the current ultimate in methods of handling waste of this type. And lastly, I am convinced that reasonable people can reach rational conclusions in this matter.

Thank you.

MR. WILSON: Thank you.

Next is Michael Dempsey.

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

My name is Mike Dempsey. I've been coming to these meetings since '89.
Let me say first, I want the WIPP site to open desperately. I worked there for two years, '92 to '94. Now I work at Los Alamos at the plutonium facility. I wrote the current procedure for doing radiological surveys on the WIPP drums. Also, I pack WIPP drums every day. There is really not that much in
them. I wouldn't want one in my bedroom, but it's not
that bad of material in there. It really isn't. It's
contact-handled waste that is in there. I will say a
quarter of it is gloves, lead-lined gloves from glove
boxes, a lot of pipes, crucibles, electrical conduits,
insulation, those types of things. It's not a lot of
real bad stuff, and I see it every day. Okay.

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

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

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

It's never going to come to the surface; it's going to stay down there.

I worked underground mining for ten years.

Ground flow or salt creep is real. The waste will be safely entombed down there forever, never come to the

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I hear a lot of things about drilling down
into it and breaching the containment. Well, you have
to consider -- I'm an optimist, and I believe that we
are all getting smarter here. Okay. We are not
getting dumber. And people aren't going to come by in
10,000 years and say, "Oh, this is some trick that they
don't want us to drill here. There is something
valuable, so we will do it."
Not going to happen. In 10,000 years we will
be on other planets. We will. No one is going to
bother it. It will be safe forever down there.
The geography is right, the area is right. I
don't know who all has been there. It's in the middle
of nowhere. It's 50 miles from the Caverns.
I don't know if you heard anything today.
People keep talking about the beautiful caverns are
going to get wasted from the waste. Fifty miles from
the caverns, everybody. Not anywhere near the caverns.
It's the middle of the desert. The environment there has actually been improved since the WIPP site was formed, because now there's no bovine erosion, no cattle wandering around eating all the grass. The environment has actually improved since the WIPP site had been opened. It's not

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a sacrifice zone.

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

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

Oh, and we are responsible for most of this waste right here in New Mexico. The nuclear age started here in New Mexico, and we -- the weapons, uranium mining, nuclear medicine, space power, all those things are from New Mexico. And myself, I'm proud that they have the WIPP site in New Mexico, and I'm proud to take responsibility for dealing with the waste here in New Mexico.
My daughter is right here. We live in White Rock, my whole family. We can see the WIPP storage tents from the roof of our house, less than half a mile away. We are not really concerned about it, but we know it would be better down in Carlsbad. And she spends the summers in Carlsbad. So...
I'm not afraid for her to go down there and be around

the WIPP site.

Oh, and the oversight? There is so much

oversight it's not funny. If anyone here had to work

under the conditions the people at WIPP have to work

under, the EEG, the DOE, State, the NMED looking over

you shoulders every day...

I change the filters on the air monitors --

I'm out of time.

I can't say enough WIPP is safe, it's going
to be down there forever, and we need to do the right

ing thing, which is open it up and take care of some of the

problems we created here.

Thank you very much.

MR. WILSON: Okay. Thank you for your

testimony, and we will put your prepared statement in

the record, too.

MR. DEMPSEY: Thank you.

MR. WILSON: Next is Sasha Pyle.
MS. PYLE: When I hear that statement,

"There's so much oversight it's not even funny," it sounds a little different to me.

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

My name is Sasha Pyle. I am a long-time New
1 Mexico resident. I am a homeowner, business owner, voter, taxpayer, volunteer. I'm sorry I belong to so many fringe groups. It must be very inconvenient. I'm also -- I come from a long line of scientists and college professors. I have an honors degree from an Ivy League college.

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

12 I am here tonight representing the Religious Society of Friends -- that is the group I'm here speaking for -- informally known as the Quakers. And that is the spiritual community that I belong to. We are not a church, we do not have a minister, we do not have a cardinal, do not have a bishop. We have silent worship. Our theological struggles are conducted internally on an individual basis, and there's no dogma
to which you must subscribe to be a Quaker. When you hear the words "organized religion," chances are it's not us you are hearing about.

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

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

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

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

No offense to you people that are taking the
time to pay attention to us, but I wish I had someone
more powerful than you to speak to tonight. I have
been to so many meetings and so many hearings. Like
John Dendahl, I have testified in Congress, like John
Dendahl I have come to every hearing. And I used to be
so impressed with the DOE people, the EPA people, and
the Westinghouse people, and after years and years went
by what I realized was I was talking to very
20 well-dressed, mostly polite, mid-level flunkies.

21 People that did not have decision-making capabilities.

22 And we would spend dozens and hundreds and thousands of

23 hours educating ourselves about something that does

24 matter to us, and we would come in here and pour our

25 guts out to talk to people like you that would put all

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of your testimony, written and oral, and research, and

every kind of summation of every kind of testimony and

every kind of scientific things we could put together,

and you would put it in your equivalent of a black

plastic trash bag and go hand it to the decision

makers, who are somewhere beyond closed doors with a
decision already made.

To say this is not frustrating is an

understatement. "Frustrating" is a euphemism. It is

an outrage. It is a pure and simple outrage.

One of the things I kept thinking about when

I was trying to decide how I would focus my remarks to

you tonight to use as few moments as possible -- when

what I would really like to do is talk to you for five

or six hours, which I could do, no books and papers --
because I could. And you have to take that on faith

from me.

When I was trying to decide how to focus my

remarks, I was thinking of this statement which I love
so much, which I believe was made by Aldo Leopold --
and if it was not him, it was some other
scientist/philosopher and inventor, but I believe Aldo
Leopold, who said: The first rule of intelligent
tinkering is to keep all of the parts.

I thought: Why do I keep thinking of this?

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

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

Now, WIPP can never be a solution.

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

Los Alamos is a nightmare, as someone else said prior to the dinner break. However, WIPP can't make us safe from Los Alamos. If you are downwind and downstream of Los Alamos, you are still going to be
And the waste that is contaminating the Rio Grande and Cochiti Lake is waste improperly buried in pits, trenches, cardboard boxes, wells injected into the ground. WIPP was never designed to address that waste, and it will never address that waste. WIPP was
addressed to one kind of waste only, and that is stuff
that is packaged that is above ground. And it will
only handle a fraction of that.
So all the concerned citizens all around the
country that are downwind and downstream of Fernal,
Hanford, Rocky Flats, and Pantax, and Savannah River,
and Oak Ridge, and every other DOE facility in the
entire country have been led to believe that their
threat that they are so tired of living under is going
to be solved the day that the ribbon is cut and the
champagne cork flies out and the flash bulbs go
off at WIPP, how betrayed and bitter are those people
going to be that WIPP made a new mess and it doesn't
clean up their mess? It can't clean up their mess.
It's not big enough.
And it's supposed to be a pilot plant,
because it's supposed to demonstrate we can do this
again. Not only is WIPP the first of its kind, but
let's get real, it's the last. They are not going to
try to build another one after how bad this one is.

We know this is bad. Everybody knows it's bad. The scientists know it's bad. Everybody knows it's bad. It's just a question of how bad is too bad.

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

So even if somehow, by some miracle, it
served its mandate, which we know it can't do, it still
hasn't got a prayer of solving this problem that hangs
over these people's heads all over the country.
So the second thing about Aldo Leopold's
statement about intelligent tinkering, and the first
rule, is to save all the parts, so that if somehow your
idea doesn't work, if somehow your plan didn't result
in solution and betterment and improvement, you can at
least put it back the way it was and leave it no worse
than before.

WIPP is designed to fail because it is
designed to be something that can't be fixed. Because,
believe you me, after 25 years of operation, when they
decommission the above-ground facility, and they turn
out the lights, and they plug the shafts, and they walk
away from WIPP, there's no force of nature, human or
otherwise, that is going to be able to get down in
there into that collapsed facility with all that lovely
backfill and clean up the mess that's been made down
there. It's an admission of defeat that we even open
the damn thing, because it is designed to fail. It is
an underground Hindenburg, pure and simple.
And DOE likes to tell us that you can stop a
particle of plutonium with a sheet of paper. They
love to say that. And to some of us it raises these
images in our minds: Well, are we going to put on paper suits like the ones that they issue to the emergency response workers along the route with the duct tape around, or are we going to hold a piece of paper and try to figure out which way it's coming from?

DOE believes that paper can make this safe.

That's why they print more and more and more paper.

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

That facility is designed to fail. Salt is a hydrophilic medium. That means when any thermal
activity occurs in the salt, moisture is drawn to
whatever is creating that thermal activity, unlike,
say, stone where water is repelled if heat is
generated.

Okay. That means that all the thermal heat
that you get from the remote-handled waste and the
contact-handled waste which is hot, in addition to the
mixture of chemical mixed hazardous and chemical waste,
and decomposing organic materials, and gas formation,
draws more and more moisture to the site, so what we're
going to end up with is a toxic, nasty cocktail that is
highly pressurized under there, and no way we can get
down and clean it up.

That's the bottom line. That's what this is.

If we are opening it, we are admitting defeat right
now. We are saying we don't believe in science.

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

It is an assault on the planet to put it with
water above it and water below. When it reaches water
through any one of the innumerable escape pathways that
are there already, and will be as additionally created
by the fall of the anhydrite layers that are there,
through gas formation and everything else happening,
all of that toxic, hazardous, chemical radioactive crap
is headed for the water table, and the Pecos River
feeds to the Rio Grande, and every fish hatchery,
agricultural, drinking water from here to the Gulf of
Mexico can be affected.

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

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

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

What does that mean? To us it is the
independent oversight by another agency so that DOE
would not just continue to regulate itself, lying in
bed with its contractors in a cozy embrace -- which you
guys apparently are trying to climb in under the covers
now.
We have a mess all over this country. I refer to you as part of my submission to the public record my request that every decision maker in EPA be required to read from beginning to end a book called Deadly Defense. It was put out by the Radioactive Waste Campaign Group in New York, I believe published.
in 1989 or 1990. It is a scathing indictment of the
environmental legacy of the DOE and nuclear weapons
production in this country. And what is interesting,
it is not a scathing document from outside, it was
compiled from internal DOE documents that were obtained
under the Freedom of Information Act. If the book were
to be revised and updated now, the picture would look
worse and not better, because new hazardous leaks that
have come to light since then far outweigh the pathetic
efforts at clean-up and remediation that DOE has given
us.

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

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

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

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

Thank you.

MR. WILSON: Thank you.

A SPEAKER: Can I say something very quickly?

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

MR. WILSON: Well --

A SPEAKER: I, too, am a Quaker, and however valid her points are, I don't feel it's fair for her to
tack on her personal beliefs to the entire religious

society.

MR. WILSON: Thank you.

Let me check if Richard Polasi is here?

(Note: No response.)

Okay. Dr. C. Glendenning is next. Is Dr.
Glendenning here?

(Note: No response.)

Les Shephard.

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

In 1992 Congress passed the Land Withdrawal Act, which, among many other things, provided a proper, responsible approach for assessing the long-term safety and health issues associated with WIPP when it
delegated to the Environmental Protection Agency the

responsibility to make a certification decision, a

responsibility held previously by the Department of

Energy.

The EPA is to be commended for the rigorous,

systematic, timely, and open manner in which they have
completed their assessment of the Compliance Certification Application, and have properly concluded, in my view, that WIPP should be certified for the receipt of waste scheduled to begin in May of 1998.

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

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

The Agency has fully implemented the
20 scientific process as they developed the rule, openly
21 and candidly engaging world experts in the debate of
22 key technical issues. The Agency has been as rigorous
23 in assessing the technical basis for each of the 1600
24 parameters that were used as input to the performance
25 assessment calculations, and has implemented a
1 detailed, systematic, and thorough approach for
2 reviewing the 456 key parameters relative to the WIPP
3 total system performance assessment analyses.
4 The Agency has directed a series of analyses,
5 the Performance Assessment Verification Tests, that
6 have incorporated levels of conservatism well beyond
7 that within the Compliance Certificate Application.
8 These verification test analyses incorporated extremely
9 conservative ranges for 24 critical parameters, many of
10 which were identified or recommended by shareholders
11 and oversight groups. The extremely conservative
12 ranges exceed those likely to be found within the WIPP
13 environment and exceed reasonable expectations, based
14 on objective scientific evidence.
15 As an example, these analyses significantly
16 increase both the probability of intersecting a brine
17 reservoir beneath the repository and the volume of
18 brine that would be intersected during a potential
19 intrusion, they eliminated credit for passive
institutional controls, and made numerous other modifications to the Compliance Certification Application baseline.

As in the CCA, these analyses also incorporated the effects of direct drilling into the repository and the associated releases associated with

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these intrusions.

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

In closing, I strongly endorse the right of each individual to present their views on the proposed rule and their perspective on WIPP. Ultimately, however, a decision of this magnitude and importance must be based on open, objective, systematic and rigorous evaluation of the scientific evidence, with a singular focus on the long-term wellbeing and safety of the American people in mind. The decision to certify WIPP for receiving transuranic waste is the right decision for the safe, effective, long-term management of transuranic waste for this country, and is the
environmentally responsible decision to ensure the safety, health and wellbeing of many generations to come.

Thank you.

MR. WILSON: Next is Greg Mello. Good evening.
MR. MELLO: Good evening. My name is Greg

Mello. I'm the director of the Los Alamos Study Group, which is a nuclear policy non-profit here in Santa Fe.

We don't work on the WIPP, primarily, so I'm going to be talking to you not in technical terms.

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

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

I'm not sure, you know, that we know what the
problem is that WIPP is supposed to be solving, and it
would be a lot easier if this were clearly known. I
don't think that the magnitude of the waste stream has
been bounded. It seems a little bit open ended.

If any of you have been following waste
management and the problematic actions for the
Department of Energy, or read the criticisms flashed
over the national media about that, you will know the
Department of Energy waste management house is very far
from in order. It's a really big mess. Al Alm forced
to step down, unable to "herd," as he put it -- herd
the chickens -- or herd the cats, I forget which.

I'm afraid that what is happening is that we
are pushing into a technical realm, a kind of pseudo
technical realm -- I'm an engineer, and would be a lot
more comfortable if this were a little better defined.
But it seems to me we are pushing into a technical
realm decisions that are fundamentally political. By
swallowing important political decisions in a kind of
technocratic discourse, it places it beyond the reach
of ordinary people who are then forced to try to come
into this forum -- and many of them study the
documents, you know, for hundreds of hours and become
citizen experts, and other people are expressing their
intuition, their common sense understanding. And I
think that's awfully important. Making a decision the
province of an expert is a way of taking the political
power away from a lot of people and placing it,
generally, in the hands of people who have a material
conflict of interest.

There's an excellent book which I would
recommend to the people making decisions about WIPP called Normal Accidents by a Yale professor, who studied accidents in a number of industries and came to the conclusion that there was an irreducible minimal number of accidents in many cases that depended on sociological and institutional factors rather than technological factors. In the course of his investigation, he came to the conclusion that in many cases an expert could be defined as a person who had a propensity for asking the wrong questions. I don't know, I haven't been following the polls or the newspapers on the subject very closely, I don't know whether a majority of New Mexicans would vote to open WIPP or not open WIPP, and I don't know whether that would be a good way to make a decision about it. I do feel that a decision that involves a permanent commitment of this kind shouldn't be foisted on a state or a region without substantial unanimity of opinion.
It's not okay for a narrow majority, or a
minority under the guise of scientific analysis, to
say, "This is the right thing to do. We know what is
the right thing to do, and we are going to make you
other people just swallow it." That doesn't really
seem right, whether it's clothed in polysyllabic terms
or whether it's just naked power.

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

I work on nuclear weapons issues. There is, as you may know, a renaissance in nuclear weapons funding, a renaissance in nuclear weapons activity. There is expected to be an enormous amount of waste generated from this. The budget, in real terms, for these activities is considerably higher than the Cold War average. That's in constant dollars. At the same
time, our colleagues and friends at the lab are seeking
to maximize their funding envelope by bringing new
missions, many of which are quite dirty, to Los Alamos,
missions in demonstration mock fuel fabrication, and
others that we are not completely sure of, that will
generate transuranic waste.
In many cases these missions aren't actually necessary. For example, the DOE's preferred alternative for dealing with the residues from Rocky Flats, their preferred alternative is the one which is most expensive, generates the most waste, and has the highest proliferation danger, but it does have the benefit of involving as many DOE sites in as many appropriations as possible.

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

In the case of the weapons program, there has been a deal that the magnitude of the funding can be bumped up in order to forestall objections to the Test Ban Treaty, so Senator Domenici has worked something out with the White House where the funding through 2010 will be $60 billion. This is really high, and there's a lot of waste. And I would encourage you not to give a green light to all of these unnecessary
programs which entail risks, not just on the part of
the program that you are looking at, but in many other
parts down the line.

And there are very few opportunities for
citizens to have any input into this process at all.
This forum, as narrowly focused as it is, is one of the
very few, so thank you for your attention, and, please,

if you can, look at the very big picture, because when

it gets all broken down into little bits, each little

bit can look massively okay, almost white, maybe only a

little bit of grey, but if you put all those filters

one behind the other, you can't see through it.

Thank you.

MR. WILSON: Thank you.

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

I'm the -- my boss at EPA is the
Administrator Carol Browner. I'm responsible for all
the air and radiation programs within the agency.
Larry Weinstock runs the office within EPA that is
responsible for the radiation and indoor air programs.

Frank Marcinowski and Mary Kruger are responsible for
the radiation programs, including the WIPP project.
Keith Matthews is the attorney who works with us on these matters. We have a number of EPA technical staff, here as well.

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

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

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

Next is Alfred Fuller.

MR. FULLER: Good evening. My name is Al Fuller, and I live in Santa Fe. I am concerned about the fact that the Santa Fe bypass won't be complete in time and that WIPP may not be safe, but these are not my main cancers. My main concern is that if WIPP
20 opens, the producers of hazardous waste will have a
21 place to store it, and they will keep producing more. I
22 believe if we force them to leave it where it's
23 produced, they will begin to worry about their own
24 health and maybe stop producing.
25 We know that Los Alamos plans to produce more
plutonium pits and that they plan to ship plutonium from Rocky Flats to LANL, and I think we must stop this outrage.

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

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

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

In conclusion, I'm strongly opposed to the
opening of WIPP because I don't want the producers of
hazardous waste to have a place to put it. I want them
to worry about their own health.

MR. WILSON: Thank you very much.

Next is F. Harper Brewer.

MR. BREWER: I am Harper F. Brewer.
MR. WILSON: Sorry.

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

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

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

I am really disturbed by all of this. I am disgusted because we have been deceived so often, for so long: From the beginning of time, when the Manhattan Project started, when the Atomic Energy Commission was first here, or when they were called DOE, before they started trying to change names to shirk responsibility. We were told that once that project was complete that our land would be returned to
us. This has never been done.

Los Alamos is on our reservation. Nobody

ever asked us if they could make a dump out of it, much

less to ship waste in from all over this here U.S. of A

to dump it on our reservation.

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

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

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

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

This WIPP site is no answer to anything.

It's a test program. It doesn't answer the questions.

It doesn't bring an end to the nuclear waste.

You have scientists, you have physicists, you have money to fund all kinds of nuclear projects. Why not fund scientists to study ways to get rid of the nuclear waste, to neutralize it? Maybe take it to D. C. and have them worry about it there. That way if it's not safe, we'll have either living or dead proof
20 there.
21 I'm really hurt. I'm really disgusted. I
22 don't trust what is going on. I don't trust what is
23 said here. I don't believe these people who say that
24 this waste is safe. To put it in a pit and cover it up
25 is not getting rid of the problem. All that's doing is
camouflaging it so nobody will see it, nobody will notice it. It's still there, it's still dangerous, it's still waste. Nuclear waste. Deadly waste.

Why, I ask you, would anyone want to have something like this right here in our backyard? Why is Los Alamos a dumping ground in New Mexico? Why weren't we asked for permission, rather than just having them do it because they are there?

These are questions I would like to have answered. I would really like to know.

I'm concerned for the future of my people, my fellow brothers up and down the Rio Grande. Unlike you people, who will go back to Washington or to other states, other cities around the world, you will go work there. Work there, fine. Your whole life is about money. My concern is the future of my future generations. When I go to visit my relatives, I don't go back across the States, I don't go to another state, I don't go across the great waters to an old country.
20 This is my old country.

21 A lot of things have been said to have been

22 secretive because of national security. All right.

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

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

25 being deceived?

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

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

MR. WILSON: Thank you very much.

Next is Jose Villegas.

MR. VILLEGAS: Buena noches de le Dios.

My name is Jose Villegas, Mr. Wilson and
colleagues. For the record, my background is 13 years
of law enforcement experience and emergency planning.
I'm here today to speak to two concerns. One
is on emergency planning and the other is the struggle
of my own culture, which is the Chicano culture.

On November 14, 1994, in San Francisco a
young police officer by the name of Jim Gott (phonetic)
was shot and killed by an individual who was heavily
armed. It took 32 minutes of pure gunfire. This guy,
this Victor Lien (phonetic) was shot two times in the
head, headshots, six and eight times on the body. The
reason why this guy survived, or this guy managed to do
this for 32 minutes of pure gunfire is because he was
wearing a bulletproof vest.

On December 21, 1997 in Dayton, Ohio, talks
about the army weapons thefts continue on the
investigation into stolen or missing weapons in 1995,
1996. Where are these weapons, M-16's, assault rifles,
one of them equipped with a grenade launcher, plastic
explosives, TNT, dynamite, other explosives?
The government charges theft of an FBI van.

Do you remember that one, July 7, 1997? Rifles,
grenade launchers, ammunition, FMP-5, live grenade
launchers, tear gas equipment, bulletproof vests with
FBI ensignia.
Nuclear arms stockpiles are vulnerable,
nuclear weapons can be sabotaged. Talk about our
federal labs can't even handle security. Six marines
charged with stolen arms in Camp LeJeune.
Is our City of Santa Fe Police Department
ready to deal with a terrorist attack if they decide to
attack one of these DOT vehicles? I don't think so.

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

Let me give you a definition.

As the Reverend Benjamin Chavez Jr. says:
Environmental racism is racial discrimination in environmental policy making and enforcement of regulations and laws that deliberately target communities of color for toxic waste facilities, and the history of excluding people of color from leadership of the environmental movement.

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

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

Is this a true statement and reflection of the Chicano/Mexicano point of view in New Mexico and
the Southwest? Well, I challenge each one of you to go
ask a Chicano/Mexicano anywhere in the Southwest,
specifically Northern New Mexico, about what happened
to the government's promise to abide by the Treaty of
Guadalupe Hidalgo, addressing the stolen land-grant
issues, developer takeover, and the water rights, the

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

4 You are wondering if these social/race issues

5 I am addressing to you today have nothing to do with WIPP. Well, let me just say you don't know Northern New Mexico and its history of struggle with its people.

8 We are not Carlsbad or Los Alamos.

9 In conclusion, it appears my statements are primarily focused on lines of social, racial, and ethnic concerns which relate to WIPP. And you're right. However, I don't trust the government, and I have no faith it will act on my concerns or any minority concern related to WIPP; therefore, it would behoove this EPA panel to reconsider the idea of prohibiting the opening of WIPP and transporting these dangerous radioactive materials in our low-income and minority populations, which is the barrios along St. Francis Drive, until our input is heard.
I ask you today: When is the last time an
EPA, DOE, LANL, Carlsbad official, et cetera, et
cetera, made a personal visit to one of our Chicano or
Mexicano homes along St. Francis Drive, especially in
the heart of the barrio? Does the DOE, EPA, LANL
Carlsbad, et cetera, understand what a barrio is? If

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you do, tell me now.

So please, I ask you to open up a serious dialogue with the Chicano/Mexicano people in Santa Fe.

I am sure after this meeting you will conclude my concerns have no merit due to national security, and eventually define your own parameters and dismiss these concerns altogether; however, environmental racism is what I call it, and what are you going to do about it? for Santa Fe? How are you going to ensure that minority communities in the Southwest, especially in Santa Fe, are going to have a fair, legal, and equitable say on what impacts our communities or our neighborhoods which relate to WIPP?

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

MR. WILSON: Okay.
Amy Sollman.

MS. SOLLMAN: A-may.

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

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

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

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

Where do you go?

I have something I would like to read into
the record, written by my mother who has been bringing
me to these hearings since I was just a little girl.

She is taking care of my grandma, so she can't be here.
By Suchi Sollman.

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

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the Department of Energy orbits itself, ignoring
the cries of citizens. The project won't work.
Waste will ultimately ooze into the Pecos River
and down the Rio to the Gulf. Underground salt
water will eventually corrode the metal drums,
creating a lethal soup headed for the croplands of
the Southwest.
"DOE shows little concern that the WIPP site
is impossible to seal off, there being no way to
cement over the every-shifting salty rooms,
refusing to acknowledge responsibility, and
creating the worst of all possible threats to
human life. The Department wants to take a dump
in New Mexico. The nuclear chicken is coming home
to roost where it all began.
"WIPP has been scheduled to open six times
since 1986. The evidence is piling up that this
year's attempt (in May) is serious -- roads being
repaired, a two-lane bypass around Santa Fe could
be finally completed, the City Council voted to allow waste shipments on St. Francis Drive Monday through Friday, 1:00 to 5:00 a.m. The State Environmental Department is due to give the nod next.

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

"If WIPP opens, it's certain it will never
close. While tunnels are ready to receive
radioactive debris from years of bomb building, 75
percent of the waste slated for WIPP hasn't yet
been made. The project extends the nuclear
nightmare far into our future, enabling nuclear
planners to keep planning, and production to
continue. If all roads lead to Carlsbad, as the
DOE contends, then 21 states will feel the impact
over the next 35 years, nearly 1,000 shipments a
20 year, with the likelihood of numerous accidents occurring.
21 Canisters surrounding the site haven't been tested for" --
22 Wait a minute.
23 -- "haven't been tested for fires at high
enough temperatures. Once released into the air
plutonium powder is easy to inhale, and it will be
aboard many of the trucks. Radioactives stick
around for hundreds of years (strontium and
cesium), and
forever, such as plutonium, bombarding us with
invisible, odorless, overcharged ions. Even
without an accident, traveling next to a truck
loaded with the very hottest waste could expose us
to deadly gamma rays.

"One wonders where the DOE's head is,
gambling with these odds, when it could quietly
tuck its tail under its hindquarters and sit on it
for another hundred years. Waste can stay where
it's at for now. Moving it down the highway will
wake up a lot of folks to the reality of WIPP.
What will happen to the quiet majority when
nuclear waste starts flying around? This is risky
politics.
"Since the bombs exploded in Hiroshima and Nagasaki, we've all been challenged to confront its overkill and the concentrated assault on the environment. The longer we postpone this confrontation, the more misery we will pile on ourselves. Putting the nuclear genie back in the

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bottle is our task, just as the centuries-old Hopi
prophesy rock images it, we're confronting a fork
in the road drawn as a Y. If we go right, we come
to a ground of ashes. Staying left, we follow our
ancestors' way of healing.
"EPA hearings on WIPP are scheduled in
Santa Fe, January 8 and 9. It's important to
attend and speak out so that the community we
create together can take a giant step on the path
of peace. Remember, it's the West, and we're not
WIPPed yet."

MR. WILSON: Thank you.
Next is Elizabeth West.
MS. WEST: Hello. My name is Elizabeth West.
You have pronounced it correctly. I live in Santa Fe,
and I grew up in Boston, and I have lots of friends in
Washington.
I don't really want to repeat lots of things
that have been said this evening and earlier times, but
20 I'd like to underline all the things that -- I'm sure
21 you can guess what I am going to underline.
22 I am also opposed to opening WIPP.
23 Before I say one other thing, I would want to
24 ask each one of you, just because I am presented with
25 this opportunity, which I feel lucky to have in this
country. I'd like to ask each one of you individually:

Have you made up your mind already about this decision in relation to WIPP?

MS. KRUGER: No.

MR. WILSON: No.

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

I mean, naturally, you know, we have been lied to or we've lied to each other, so we all know that sometimes we can't prove that something might be wrong, but we can feel that something might be wrong.

That isn't really going to work in a court of law.

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

We have made a proposal at this point, so we took the record up to, you know, last October. We
believed that with some conditions that we imposed, the
DOE operating plans for WIPP would meet our radiation
standards. We made that proposal, but we are still
open-minded, and we are out here this week, and we will
be reading all the comments we get -- you know, looking
for people to point out things we missed, or mistakes
that they feel we made in our analysis.

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

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

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

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

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

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

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

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

And I'm not happy with guessing right now.

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

When something gets rolling -- Say you decide to get married. And you get the dress, get the outfit, you call all your friends -- they have flown in from Paris or Espanola -- and it's all ready. You've even gotten your Jewish friends and your Black friends and your Hispanic friends and your mother to agree with the ex-husband -- you know, it gets complicated. It's a lot like transporting waste. You make a commitment,
20 even though you haven't decided to exchange the rings,
21 or whatever your little thing is. You know.
22 And I think it actually is possible to not go
23 through with the wedding, because although it's
24 embarrassing, it actually potentially is, incredibly,
25 No. 1, enlightening, and, No. 2, a gift to the world.

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Many of us feel locally a reaction to this, but actually we are part of a global community. I read recently we are going to be able to send some people to the moon -- maybe because there is water there. But I want to propose it would be okay to reconsider it and say no. I hope you will at least think that way.

Thank you very much.

MR. WILSON: Next is Dr. Stanley Logan.

DR. LOGAN: My name is Stanley E. Logan. I have a PhD degree in Nuclear Engineering and more than 48 years of engineering experience. What is my background for presenting comments? I have studied the WIPP site since 1972. That's 26 years. This goes back to the time when it was called the Los Madanos site, considered for high-level radioactive waste, several years prior to its designation, instead, for disposal of transuranic wastes. I directed several studies employing a model
repository for high-level waste at the WIPP site as a means of examining various possible options. One of these studies completed at the University of New Mexico in 1978 was sponsored by the EPA and developed the first computerized Performance Assessment modality for nuclear waste repositories.
Continuing with studies of WIPP, I modeled boreholes drilled into containers of the contact-handled waste, remote-handled waste, and boreholes down into possible pressurized brine reservoirs below the Salado Formation. I reviewed DOE nuclear criticality scenarios for potential releases. Much of this work was as a consultant to the New Mexico Environment Evaluation Group. None of the results indicated more than insignificant consequences to workers or members of the general public. Self-funded research I completed in 1992 demonstrated that preemptive releases from a brine reservoir through drilling and pumping would provide remediation if an intrusion scenario into the brine reservoir developed as a barrier to compliance. Review of the EPA Proposed Rule published in the Federal Register shows that the EPA carefully evaluated the enormous and extremely detailed CCA and
found section by section that DOE complies. The EPA required additional analysis and information from DOE where needed, and the EPA conducted independent tests and simulations. The EPA carefully considered comments from the public, and provided responses.

No amount of additional analysis or testing
would satisfy WIPP critics. I believe many of the
critics are less concerned with safe disposal of TRU
waste than they are with preventing solutions to
nuclear waste problems in general. Their goal appears
to be to delay WIPP for a long enough time, and cause a
sufficient increase in costs, to discourage any and all
future applications of nuclear science.

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

21 I strongly suspect that the total volume of

22 paper generated in recent years greatly exceeds the

23 volume of waste to eventually be placed underground.

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

25 other side of the question.

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

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

21 Thank you.

22 MR. WILSON: Next is Parrish Staples.

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

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

25 been accumulating within the DOE complexes across our

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

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

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

Now, let's not be mistaken. I'm very glad my two children are protected by the smoke detector in the bedroom; however, are we concerned citizens for nuclear safety of the State of New Mexico ensuring that this material does not end up in our local landfills, landfills that are not designed to handle these substances? Because there is little or no oversight for our neighbors, these same neighbors that throw
their used motor oil down the drain, hazardous
chemicals in the garbage, or other trash along the roadway.

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

Thank you.

MR. WILSON: Thank you.

Todd Rockefeller. Is Todd Rockefeller here?

(Note: No response.)

Next is Jean Nichols.

MS. NICHOLS: Thank you.

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

And it also seems there is a lot of statistics on both sides, so I wonder why in this whole long process we haven't gotten scientists from both sides of the question to sit down in a room together and perhaps work out some of the stuff. Obviously, you can take studies and manipulate them in any way. I feel we have been coming here for 10 or 20 years -- first it was to DOE, but now to the EPA -- testifying. And as far as the people against WIPP,
everyone has said do not transport waste, and yet never
in any of the stacks -- and I have received stacks back
of information from the EPA or the DOE -- never is
there any indication that all of our ideas and our
suggestions about leaving waste on site -- I haven't
seen any studies saying how much that would cost or

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whether it was even considered.

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

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

Certainly, it would cost less than all the transportation costs put together.
20 I just saw a map of the country with all
21 these routes coming down to Carlsbad. It seems like a
22 scenario for people either trying to, you know,
23 highjack the trucks, or all the accidents. The fact
24 that it's going to now be allowed down St. Francis
25 Drive only between midnight and 6:00 a. m. doesn't make
me feel like it's any safer. That is when the worst DWI accidents happen. You know, it seems to me you can't have it both ways. You know, if you are going to allow lax DWI laws, then you can't have nuclear waste on the highways.

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

You know, I understand that the radiation in the northern hemisphere is 1,000 times that of the southern hemisphere. We are an experiment. If that is the case, and you want to continue with this nuclear obsession, then pay for everybody's health care. It would certainly be a lot less than the four trillion dollars that we've spent on this defense
I feel like that it's not even just a medical experiment, it's a psychological experiment. The reason you don't have more people coming here and testifying against WIPP is that people do not want to think about it. You call us the lunatic fringe. I
have been driven crazy by this. I am, you know, truly
on the point of insanity from even having to think
about this. It would be one thing if it was for
medical nuclear, or even for jet propulsion to get into
space. You know, that I can understand. I commend the
scientists, you know, for trying to explore other
worlds. That's all right. You know, that's human
nature to want to explore. But making weapons of mass
destruction is just not okay, you know, especially now
in the '90s. It's not okay.

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

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

You know, we keep coming back. How do we
keep from feeling hopeless about this? You know, I 
guess the only way is to try to turn it around so that 
we feel hopeful. And I don't know. We come back 
because we feel like it's our duty, just as, you know, 
maybe you feel it's your duty. Only I suspect you are 
being paid to be here, and none of us are being paid to
come here. I suspect that some people in this room
were.

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

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

With so much money and momentum working for the opening of WIPP, how do we make you realize, you know, that it's not a safe thing? I know we are fighting for common sense, and sanity, and the survival of the species. Doesn't everyone want that? You know, we would think so.
We want to envision peace as the accepted norm, so we would like to envision that the defense industry has to come here and plead and testify to us for permission to transport nuclear waste. This would be good. And when that happens, we will try to be as fair and impartial as you've been with us, and we will
try to take the testimony just as seriously as you have
taken ours, weighing all the facts to determine if
nuclear waste is worth the risk.

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

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

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

(Note: Bob Dillan tape played.)

MS. NICHOLS: Thank you.

MR. WILSON: Thank you.

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

Richard Palosi.

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

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

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

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

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

I'm more interested in actual health hazards and possible deaths than I am with compliance with
technicalities in terms of regulations, so I focus on

actually what would happen "if..."

I will talk about one specific example. I've

looked at a lot of them. For awhile I was focusing on

the transportation issue, and was satisfied by all I

read, and talking to the EEG scientists and engineers,
that isn't much of a hazard. It's unlikely there would
be much chance for any human death.

The site itself, it seems to me, is the most
potentially critical thing. What if it does fail?
The presumption, clearly, among the people
who testified tonight is any failure anywhere in the
system is a catastrophe. To me, it's got to be more
than one chance in a million someone is going to die.

It's a thousand people dying.

So I want look for the catastrophe.

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

I am not an expert, I'm just reporting what I
read. It is that the 50-year committed dose from a
year of drinking two liters a day -- you probably know
what the details are: 4.7 millirems. That is a radiation dose which is one 100th of what typical Santa Fe residents get from natural background. A little more than that. It's the kind of dose that someone living in Los Angeles visiting Santa Fe would get in a week. Utterly trivial. No health consequences.
downstream; i.e., it's not that catastrophe I was looking for.

There's others I looked into, but since I'm short on time, I will not go into them.

These predictions, of course, were full of assumptions. We were not going -- we are going to do the experiment, perhaps, but in terms of anticipating it, we have to make predictions. And yes there are a tremendous number of assumptions, and all of very uncertainties.

What makes me pretty confident there's no catastrophe? When you have a number so low, even worst case you still don't have a radiation dose where people drink the water directly which results in detectable health consequences.

Overall, I have not found a disaster.

I have tried to understand how we come to this place where so many people feel there is a terrible disaster lurking, where, as far as I can tell,
there's not a study done that says there is a disaster out there waiting.

I think the primary issue is a misunderstanding about how toxic plutonium is.

Plutonium is very toxic, and, as a nation, we have been so careful of it that there hasn't been much problem
yet concerning it.
I will give a few examples which I think may put in perspective something about the toxicity of plutonium.
Roughly, as I understand it, again -- I'm going to say these out loud. These are going to be controversial. I am looking for feedback. I am an educator. For one thing, that means I am a learner.
If I am wrong, I want to be informed. I ask you and everyone in the audience to give the specific information.
I understand that 10,000 pounds of plutonium, give or take a factor of two, has already been released into the environment, primarily through weapons tests.
Has there been an observed consequence of health for people in the world? No. Not expected to be, based on animal experiments.
The test at the WIPP site the same, on a magnitude, I think, on a factor two larger.
Every time we eat a meal on average it's like, you know, we can consume a million atoms of plutonium due to that release. Every adult body, on average, has in the order of one billion plutonium atoms, down from a hundred billion shortly after the atmospheric testing. And I believe there's no health
consequences. A billion atoms is a big number, but the
radiation dose that results is absolutely microscopic.

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

Here is the one I'd most like feedback on.

It's my understanding in the Western world, Soviet
Union, we don't have information -- in the Western
World it's my understanding that the total number of
deaths due to the toxicity of plutonium, radiological
and chemical, is somewhere between zero and one, and
that one is one of the fellows up at Los Alamos, which
is not -- you know, who died of cancer. That is not
unknown without the plutonium, but with plutonium more
likely.

The dose matters. When you ingest plutonium,
the toxicity is roughly comparable to that of Vitamins
D and caffeine to the equal quantities. I'm not saying it's not dangerous, but just not the most dangerous thing in the world.

I think that is the problem in terms of, you know, public perception. The root cause I think is the media chooses to put out stories which sell newspapers,
which are scary stories, which make the public scared.

The other problem that I think is a serious

problem, in the quality of science education.

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

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

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

He replied, "No, I am not aware of any

studies, I just don't like plutonium."

Well, I don't like plutonium either, but most
taxpayers ask for more than personal likes and dislikes
when billions of dollars are at stake. This is a
technical and quantitative issue, and the decision

about the safety needs to be made based on these

issues. Fear-based decisions will result in billions

of dollars being spent to prevent imaginary hazards,

and a lack of money to spend on hazards that kill

thousands of people will be a consequence. I don't
think that is humane to spend money where there aren't
risks and not spend where there are --

AUDIENCE MEMBER: We are grossly --

MR. WILSON: Ma'am --

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

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

MR. SHELTON: 22. Which the answer --

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

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

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

We need a restroom break.

MR. MATTHEWS: Excuse me. I have a question.

Could you identify the EEG report you referenced there?
MR. SHELTON: Yes. 32.

MR. MATTHEWS: Just for the record. I'm sure it's in the docket.

(Note: A short recess was taken.)

MR. WILSON: Okay. I want to do a quick check on who's here.
Is Richard Polasi here?
(Note: No response.)
Doctor C. Glendenning?
(Note: No response.)
Todd Rockefeller?
(Note: No response.)
Okay. Val Lucero?
(Note: No response.)
Scott Thomas?
(Note: No response.)
Tracy Hughes? Okay.

MS. HUGHES: Hi. Thank you for taking some additional people. My name is Tracy Hughes. I'm a resident of Santa Fe. I have a Bachelor of Science degree, and also a law degree. I've worked for over ten years in the field of environmental law, and primarily in the public sector. Additionally, I worked over eight years for the New Mexico Environment Department, and during that time I was general counsel.
for NMED, and during that time we settled an
Administrative Order against DOE for the largest
penalty that this state has collected.

The violations in that Administrative Order
were for -- primarily, for improper storage of mixed
waste at Los Alamos National Laboratory. That waste
was and is WIPP-bound waste.

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

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

Testing DOE's modeling is required, and public scrutiny is important. Groups such as EEG, the EPA, NMED, are doing just that.
This is a project that has been and is being analyzed, but for once DOE is proposing a project that is solution oriented and not problem creating.

Thank you.

MR. WILSON: Thank you.

Ray Armenta?

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(Note: No response.)

Looks like Jai Lakshman.

MR. LAKSHMAN: Good evening Keith, Mary, Richard, Larry, and Frank. My first name is J-a-i,
last name L-a-k-s-h-m-a-n.

I wanted to greet you and say good evening to you because I don't think your names have been spoken,
and I think difficult as it is for me to be here, based upon 20 years, as well as continuously showing up I am attempting to continually recognize that there's people here. And you are sitting there and we are seated here, and there's people with differing views.

I am unhappy to report to you that after 20 years of doing this and being a part of this so-called process, my faith has really dwindled in what the process is about. That's not to say I have a lack of faith as you in individuals, it's the process in its entirety, and it's how the process is designed.

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

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

So I come to you tonight in that spirit.

This process, as I understand it, is about your Certification, and your approval for DOE's compliance of something that is being characterized as
having, in your definition, a lifespan of 10,000 years,

330 generations.

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

This country is slightly more than 200 years old. I don't need to give you a history lesson. The
A-bomb, Los Alamos, 50 years ago. So we are talking about an order of magnitude far beyond any of us can predict, even with the best science.

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

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

I'll characterize them in words.

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

Okay. There are some of you here who may not -- I believe all you know what I am talking about.

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

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

So I say that to you, because ten years ago right up the street here, when I first became actively involved in this issue, based upon having spoken to scientists, based upon having spoken with the scientists at EEG, based upon going to Washington, sitting in hearings, I realized there's no way I could
20 ever really know the truth about whether this would
21 work or not work, whether it's safe or is not safe, but
22 that there was so much disagreement about whether it
23 was and whether it could or would, that something was
24 wrong. And something was either wrong with it, or,
25 more importantly, and more accessibly to me and what I
can abide, something is wrong with the process.

Something is wrong with the process about how we get to agree and disagree, how we get to know, and so on.

I would ask you -- You said your recommendation has already been made, so I assume that you're here to, as you said, learn new information to see whether you need to make amendments or actually change your decision. I would ask you, with all respect, whether in the history of these hearings, whether in the history of the NEPA process, whether in the history of the DOE and EPA hearings, how many times hearing testimony like mine and those here tonight altered the final decision.

I saw the red light going on. I believe I have 10 minutes as an organization. So I hope that is true.

So I would really question the process. And I would say that if I'm sitting in your seat and having a decision of this magnitude and just at this time,
here all day and listen to this -- I watched you for
six hours trying to see how well you are able to
listen, not to criticize you, just have human interest
of how human beings in your position, trying to assess
what's going on here, how well you can hear my heart,
how well you can hear what I heard, and how well you
1 can hear scientific information. It's a very difficult
2 process you are up against.
3 But I would suggest in the spirit of process
4 and information sharing, coming to agreement about
5 this, why isn't it discussed before the recommendation?
6 Why isn't the effort and the energy spent by the EPA or
7 whoever has a say in this to create the kind of
8 dialogue -- rather than for us to sit here as a
9 community and find out we are not only in disagreement
10 about this issue but we are in disagreement about an
11 uneven sharing of the facts, an uneven sharing of
12 what's actually going on here?
13 I want to share with you that 10 years ago
14 when I first got involved in the issue, I stood out in
15 the intersection just a few blocks from here and held
16 up a placard that said: Imagine a nuclear accident
17 here.
18 I didn't do this to be cute, I did this
19 because I have concern about this issue. I felt
something was gravely wrong, and I wanted to know, as a
member of this community, if anybody else thought the
same way I did. Okay.

The response from that was terrific, beyond
anything that I imagined, because I didn't imagine
anything other than: Are we concerned about this
issue? Are we going to have it happen?

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

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

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

Okay. I bring that up not out of any great spirit to confess anything, but clearly to say what I have heard here tonight from people ranging from the
surrounding areas of La Bajada, Cochiti, the Pueblos, et cetera, is this dire urgency about waste at Los Alamos that is negatively impacting them, that WIPP is going to be the solution of.

I would submit to you, and I believe you all know this, that aside from in its 30-year entirety WIPP
being able to receive less than 1 percent of the
nation's nuclear waste, defense-related nuclear waste
inventory, WIPP, even if no more nuclear waste were to
be generated at Los Alamos starting right now would
only receive 4 percent of the Los Alamos total
inventory, only receive less than 2 percent of the
remote-handled, the hottest waste. And, on top of
that, we are being told by the Department of Energy
that WIPP's lifespan of 30 years, 60 percent of the
waste that is going to WIPP will be newly generated
waste, not the waste we are talking about.

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

I would submit to you, and with all respect,
because I know people that work in Los Alamos and work
with the DOE and I have respect for a lot of these
people, they are human beings, and I want to try to
keep it at that level, but I would submit to you that

21 if the DOE could be embodied in a person, this person

22 would be up a criminal charges, given their history,

23 given what's going on.

24 So we are being told by the DOE that you will

25 sign off on something that they are going to monitor

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and be accountable for themself. And if I read your
plan correctly, your monitoring happens not on a daily
basis, it happens on a yearly or tri-yearly basis, if I
am correct. And they have to walk away?
I believe there is terrible misinformation,
confusion about the issue. And what I learned here	onight is that in all these years, in all this
dialogue, all this politicking, all this whatever, the
issue still isn't clearly understood, clearly
understood enough so that the people and the scientists
and the politicians and you all who are acting,
supposedly, on the public's behalf can come together
and really understand it.
I take responsibility for the problem. I
love this country, I love this land. I have a father
who believes dropping the bomb on Hiroshima was the
appropriate thing to do. I may not agree, but I
respect the view, because that person is my father and
that person is a person.
We all have to take responsibility for the problem, but we can't if we don't have the dialogue.

In terms of the dialogue, I appreciate how long you have been sitting here -- I tried to stop in Albuquerque. It's immense what you are trying to do.

But you are flying in a few days after a recommendation.
1 has been made. Allow the process to be a real process.
2 Allow it to be a healing process, if I can venture to
3 say that, where everyone, or as many people as possible
4 could be convinced as to what the issue is and what can
5 be done about it.
6 It's a national problem.
7 Lastly, I just want to say in terms of the
8 people, and there aren't very many from the surrounding
9 communities, there was a fellow here earlier that said,
10 that works at the labs and handles plutonium, and said,
11 quote, "It's not that bad a stuff. It's just gloves
12 and booties."
13 I would submit to you all if that is the
14 issue, then what is the rush of that stuff to get it
15 out of here? And is that truly the stuff that is
16 threatening the people on Cochiti Lake, and so on, and
17 around the nation?
18 Secondly, I found Stanley Logan's, who is the
19 nuclear physicist, comments interesting, saying that,
you know, "In the last ten years nothing has changed."

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

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

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

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

District Courts, the Attorneys General of the States of

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Texas and New Mexico, your own EPA, the environmental
evaluation groups, everything they have resisted or
rejected about WIPP's soundness, they are part of the
fringe group as well, nothing has changed.
And we need to change the way we look at it.
Thank you very much. Have a good night.
MR. WILSON: Rita Johnston. Is she here?
(Note: No response.)
Doris Fields?
(Note: No response.)
Jean Wheeler.
MS. WHEELER: Hi. My name is Jean Wheeler.
I spoke last year at the hearings.
My background is as an artist, basically.
I'm also a honor's graduate of an Ivy League school,
and I have to say I learned a lot about how the ways of
the world really work, as opposed to the way ideally I
thought it did, according to my feelings about life and
the planet.
The reason I'm in New Mexico is because about three and a half years ago I had trouble kind of seeing my future in front of me, and I was very scared. I just -- I'm used to kind of feeling time in front of me, and I couldn't see or feel anything. And I learned in May that the were doing nuclear testings in

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Polynesia -- I was living in Hawaii at the time, so it was quite close to me -- and I came here, because I knew somebody who worked in the nuclear activist field, and I wanted to know more about it. That is how I got concerned about WIPP. I can only say that, you know, my background is in science. I feel I am reasonably intelligent, and I've looked at a lot of the documents and so forth, but after a while it's like -- I realize facts or so-called facts, anything can be manipulated in any way to make somebody's point, and after a while I just feel I have to close my eyes, to go to intuition. Something just feels wrong here, in addition to any facts I might have read to point that out. And I teach a lot of children in this whole Northern/Central New Mexico region. I'm a ski instructor. I teach hundreds of kids a week. And, you know, I'm sure most people are aware that most children don't have the immuno system or strength that adults
might have, and I would only say that a lot of these
children are incredibly beautiful spirits, and I think
if you could see them -- I don't have children myself,
but I feel almost everyone I teach is my child. And I
think if you could see them, you would want to give
them a bright future. And I'm talking about kids that
help each other all the time, whether they be Native
American or Hispanic or White or whatever. You know,
they come from all over the country and settle here.
And I would only ask you to, please, you know, if you
can't think of your futures and your children's futures
and however else they might want to move around the
planet anywhere and have a safe planet, whether here or
in Mexico, where possible fluids could end up, just to
please at least search inside about that, and try to
make a decision thinking of all the beautiful people
that are out there in the future.
Okay. Thank you.
MR. WILSON: Sara Cohen. Is she here?
(Note: No response.)
Cohen I think it is. Conan?
(Note: No response.)
Jeff Burke. Is Jeff Burke here?
(Note: No response.)
Keith Mackintosh?
MR. MACKINTOSH: Here.

MR. WILSON: Okay.

MR. MACKINTOSH: My name is Keith Mackintosh, and I also have attended a couple of other of these hearings.

I don't have a lot to add to what people have
said tonight. I do want to echo a few things, and one

is that the -- I think there's a lot of fear

surrounding radioactivity in general, and I think

perhaps that comes from the fact there's been a lot of

secrecy around it since its inception, and people have

told the public that things are being taken care of in

a very safe way, and then we find out later that --

well, you know, there are open pools of things at

Hanford Reservation, and there's Rocky Flats is kind of

a mess. And so I think that maybe there could be more

dialogue on that level of just, "Yeah, these are

mistakes we made, and we are not going to make those

mistakes any more because we know why we did that and

we are not going to do that any more."

The other thing is I kind of react to the

mayor -- I saw a letter to the editor in the local

paper from the Mayor of Espanola, and it kind of went

in the same category as things I've read about -- you

know, like the Governor of Colorado made a statement
recently saying WIPP should be opened quickly. This stuff is like a hot potato. Everybody wants to get rid of it and put it somewhere.

So I think you guys have a tough job.

There's a tremendous amount of momentum behind the project already. Making sure it's done right and
safely in some other way than already has been programmed out would be difficult at this point. But in this letter what I reacted to was the words the Mayor of Espanola said. "Well, this is good science and it should be -- we should just go ahead and do it."

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

And I just want to urge everyone to consider
all of the various things that surround this, and not just the pressure that has certainly built up from industry and the various elements of the nuclear industry that would like to have a place to put their garbage, basically.

So that is all I have to say.
MR. WILSON: Okay. Thank you.

Is Don Smith here?

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

There were some very, I think, important things have been said. I've been coming to the WIPP hearings since '88, '89. I had a lot of thought tonight about things. One thing I wanted to mention to the EPA. It says, "EPA protecting your health and environment."

What I would like to find out is how you good people define good health and environment, because I am in the health field. I'm an osteopath. I see a lot of people who are well, who are half well or partly well, and who are very ill.

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

I have no complaints in regard to you good people having probably good hearts and good minds, and maybe instead of thinking from our minds we could
include our hearts and who we are.

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

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

of the Iroquois? And in six nations of the Native

Americans, we are accountable for seven generations yet

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

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

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

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

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

I'm trying to keep focused here, not
sidetrack, but there's so much involved here.

Here you are going to put a product, a byproduct of our effort to so-called save the country, and that is producing nuclear weapons. When do we stop and sit back and think: Why are we doing this? Why are we making chemicals that we know are detrimental to
human self?

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

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

So who are we? What are we trying to accomplish here?
I am neither for nor against WIPP, but I am finding that our -- just as Larry said, our process of how we go about the dialogue.

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

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absolutely of no relevance to the real underpinnings,
as you see them, because of a pile of literature your
people probably have to read and take home and have
headaches about, and take aspirin or Tylenol or Advil--
which are hard on your kidneys, by the way.
So where do we go with regard to how we can
correct this tremendous illusion we have created that
we are creating a healthy environment and a healthy
human society where it's not?
We have more crime now. All you have to do
is pick up the paper -- especially in Washington D. C.
So you're going to go back there, because you don't
live here, you don't even know who half the people are,
how we exist or co-exist here. It's very unfortunate.
I'm unfortunate because I don't live back in your
town -- not that I would want to. Maybe you don't want
to live here, because it's sunny and sandy and deserty.
We have lizards, rattlesnakes, et cetera. You people
don't have that back there. You use the sidewalks.
So we have this impression that we have to 

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

I know I have a short time here.

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

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

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

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

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

This country was based on honesty, I thought.
I don't believe way down deep inside anybody here is really dishonest, but I think what happens is we get caught up in the machinery of the politics, beaurocracy, and how we are taught to lie, how we're taught to be dishonest.

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

No.

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

The information -- Why are we being so secretive? Because we have got something to hide.

Because we know there is an element that is not true in our conscience, in our hearts.

And none of us are separate. We are all
20 somehow connected. All of us. I don't care if you
21 live in Tasmania --
22 MR. WILSON: Your time is well up. If you
23 can conclude.
24 MR. SMITH: My closing statement is this:
25 There have been a lot of good people who have talked
tonight about this, and apparently you people have
already made decisions about this. I will make a quote
from Nostradamus: Those who fabricate the fireball
shall perish and burn in it. The Lords of tumult are
to perish in their own disasters.

Thank you.

MR. WILSON: Thank you.

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

Thank you all for coming.

(Note: Proceedings adjourned at 10:45 p.m.)
STATE OF NEW MEXICO )
COUNTY OF TAOS )

REPORTER'S CERTIFICATE

I, MARY THERESE MACFARLANE, do hereby certify that I am a duly licensed Certified Court Reporter for the State of New Mexico; that on the date of January 8, 1998, I reported the hearings before the Environmental Protection Agency held in Santa Fe, New Mexico from the hours of 7:00 p.m. through 10:45 p.m., and that the foregoing transcript, consisting of pages 1 through 138, inclusive, was prepared from my stenographic notes of said hearing, and is a full, true and correct transcript of the testimony given at said hearing, prepared by me to the best of my ability.

Dated at Taos, New Mexico, this 12th day of January, 1998.

Mary Therese Macfarlane
Certificate No. 122.
License expires: 12-31-98
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