

BLUE RIBBON COMMISSION ON AMERICA'S
NUCLEAR FUTURE

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MEETING

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FRIDAY,
JANUARY 28, 2011

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The Commission convened at 8:30
a.m. in the Sendero Room at the Hyatt Regency,
330 Tijeras N.W., in Albuquerque, New Mexico,
Brent Scowcroft, Co-Chair, presiding.

MEMBERS PRESENT:

BRENT SCOWCROFT, Chair
MARK AYERS
VICKY A. BAILEY
PETE V. DOMENICI
PER PETERSON
JOHN ROWE

PHIL SHARP

ALSO PRESENT:

TIM FRAZIER, Designated Federal Official
RICHARD BERRY, Mayor of Albuquerque, New
Mexico

PATRICIA DOMINGUEZ, Office of Senator
Jeff Bingaman

ANDREW WALLACE, Office of Senator Tom
Udall

PATRICK DURAN, Office of Representative
Ben Ray Lujan

INES TRIAY, US Department of Energy

DAVE MARTIN, New Mexico Environment
Department

BOB NEILL, Environmental Evaluation
Group
SUSAN GORDON, Alliance for Nuclear
Accountability
NEIL WEBER, San Ildefonso Pueblo
ALEX SCHROEDER, Western Governors'
Association
BILL MACKIE, US Department of Energy-
Carlsbad
J.R. STROBLE, Carlsbad Office of
National TRU Program

PUBLIC COMMENTERS:

JILL FRAWLEY
DALE JANWAY
STEVE McCUTCHEON
RUDY DOMINGUEZ
CHRISTOPHER TIMM
CHARLES POWELL
JOANNE ALLEN
DAVE McCOY
SCOTT KOVAC
ALLISON BERBER
JONI ARENDS
LOKESH CHATURVEDI

JOSEPH WEXLER
PETER NEILS
SUSAN SHOTLONG-RODRIGUEZ
MIGUEL PACHECO
PENELOPE McMULLEN
SANDERS MOORE
MARLENE QUINTANA

SYLVIANA DIAZ D'OUVILLE
JEFF RADFORD
ROSAMUND EVANS
FLOY BARRETT

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P R O C E E D I N G S

(8:31 a.m.)

1
2
3 MR. FRAZIER: We are going to get
4 started. Commissioners, please take your
5 seats. The rest of you sit down.

6 My name is Tim Frazier. I'm the
7 Designated Federal Officer for the Blue Ribbon
8 Commission. I'd like to thank you all for
9 coming today.

10 We're going to run a tight
11 schedule. We are going to use a lighting
12 system, a red, yellow, green lighting system
13 to keep everyone on track. When the green
14 light starts flashing, you have two minutes
15 left. The yellow light will come on, you've
16 got one minute left, and you will know when
17 your time is up.

18 So, with that, General Scowcroft,
19 are you ready, sir?

20 CHAIR SCOWCROFT: Yes, I am.
21 Thank you, Tim. Good morning to all, and
22 thank you all for coming to this meeting of

1 the Blue Ribbon Commission on America's
2 Nuclear Future.

3 The Commission was formed by the
4 Secretary of Energy at the direction of the
5 President. The Commission's purpose is to
6 conduct a comprehensive review of policies for
7 managing the back-end of the nuclear fuel
8 cycle, and to recommend a new plan. That is
9 what we're working to do.

10 We would like to remind those with
11 us today we are not a siting Commission. We
12 should also point out that our Commission's
13 charter does not include the details of the
14 Department of Energy's ongoing operations at
15 WIPP and elsewhere in New Mexico; although, we
16 certainly recognize the importance of these
17 federal responsibilities.

18 In keeping with the Commission
19 charter, we decided to visit New Mexico,
20 because we wanted to learn more about the
21 history and lessons from the WIPP experience
22 that may help us in devising a new plan for

1 managing spent fuel, and high-level waste.

2 Our tour of WIPP and our meeting in Carlsbad
3 were most informative, and we are grateful to
4 all those who helped make that visit so
5 productive.

6 We will hear first this morning
7 from local and state elected officials. We
8 will then hear from two panels, the first
9 panel will provide us a range of perspectives
10 on the establishment and operation of the WIPP
11 facility, itself. The second will provide
12 experiences and lessons from the National
13 Transuranic Waste Program.

14 We recognize that there are many
15 other individuals and organizations in this
16 region, and across the country, who care
17 deeply about the issues before this
18 Commission. We, of course, cannot hear from
19 all of them during our visit. We look forward
20 to hearing from more people and groups going
21 forward, and we encourage anyone with an
22 interest in our work to submit written input

1 to the Commission now, or at any point in the
2 process. Your comments will be posted on the
3 Commission website, and will be made available
4 to the full Commission.

5 We remind our invited speakers
6 that they should keep their formal
7 presentations to their allotted time. The
8 remaining time will be used for discussion
9 with the Commission. We appreciate the time
10 and effort the speakers have put into their
11 presentations, and we look forward to hearing
12 what they have to say.

13 We are webcasting this meeting, as
14 we have done for all of our meetings. We want
15 people who are not able to get to our meeting
16 locations to be able to follow our
17 proceedings. The video and transcript from
18 this and all Commission meetings will be
19 posted on the Commission website.

20 At the end of today's session, we
21 will hear from any member of the audience who
22 wishes to speak. We have allowed for an

1 extended public comment period at the end of
2 the meeting in light of the large number of
3 people who have wished to comment on our prior
4 meetings. A sign-up list for public comment
5 is available now, and will be available until
6 11:30 this morning. The amount of time we can
7 allocate to each speaker will, of course,
8 depend on the number of people who wish to
9 speak.

10 With that, I will open the floor
11 for the Commissioners for any statement or
12 comment they wish to make before we hear from
13 our first speaker. Are there any such
14 comments?

15 MEMBER DOMENICI: Mr. Chairman.

16 CHAIR SCOWCROFT: Yes, Senator
17 Domenici.

18 MEMBER DOMENICI: I made a few
19 comments in Carlsbad, and I'd like to make a
20 few today. I hope they're even briefer than
21 yesterday's, but I think it would be fair to
22 say that several of my fellow Commissioners,

1 one of whom was with us and had to leave
2 today, so one more than is here today, had an
3 opportunity to visit WIPP, Mr. Chairman. You
4 were there with us, and they met with the
5 Carlsbad community, they met with DOE
6 officials. And I'm actually very pleased,
7 almost thrilled to tell you that those who
8 visited Carlsbad and WIPP, and my colleagues
9 included, share my positive enthusiasm for
10 this project. Many of the Commissioners had
11 heard of it, but had not seen it.

12 WIPP has been operating for over a
13 decade. We do have an underground repository
14 into which nuclear waste is being deposited,
15 Transuranic military waste, but, nonetheless,
16 it is waste. It has a long life, and it is
17 nuclear.

18 The community of Carlsbad has
19 supported it, is supporting it, and continues
20 to support it. For those who are concerned
21 about WIPP, they ought to do two things. They
22 ought to go there and visit it. It is open

1 for visitation. Don't worry, you don't have
2 to go inside if you want to feel the -- what
3 it is that this facility is contributing
4 environmentally. If you choose, just go there
5 and be tested, let them test you outside of
6 WIPP out in the atmosphere, and lo and behold
7 you'll find that they have a facility for
8 testing, and the effect is zero. The effect
9 of that facility is zero. There are no
10 emissions that come from it that harm anybody.

11 They showed us that. It seems to
12 me that for those who are not interested, or
13 interested in the facts, they ought to avail
14 themselves of the fact. If they're interested
15 in myth, of course, they can come here today
16 and talk about all kinds of things that aren't
17 true about WIPP, and somebody will hear them.
18 Nonetheless, I am hopeful that at least the
19 Commissioners have seen the truth, have seen
20 the facts. And I hope that we will find a way
21 in our report to lay out the successes, and
22 the success story of WIPP, because people of

1 our country don't know what they have
2 purchased in WIPP. They paid for it, it's
3 there. And we already have an underground
4 permanent repository. It's called WIPP. And
5 there's no question it exists. There's no
6 question that for a change DOE is being
7 praised by the people there. They're changed,
8 they're working together, that is the
9 community and DOE, and scientists.

10 So, today we'll be so many miles
11 away from WIPP giving people an opportunity to
12 appear before the Commission, not to have to
13 drive or fly so far. I hope that we'll have
14 a good day, Mr. Chairman. And I personally
15 want to thank you and your Co-Chairman for
16 accepting my invitation, and my almost
17 insistence that you come here. I am so
18 pleased to tell everybody here last night that
19 this is one Commission that after they were
20 invited to come to New Mexico, to a person
21 said, "Thank you, Senator Domenici. We really
22 saw something we did not know existed."

1 That's the Commissioners of the United States,
2 many of this Commission, many of whom have
3 been citizens -- I mean, this man has been a
4 citizen almost forever.

5 (Laughter.)

6 MEMBER DOMENICI: And he didn't
7 know about WIPP. And he went to see WIPP, and
8 he said, "Oh, my God, we already have an
9 underground facility." And I said, "I've been
10 telling you so." So, now we have to put
11 together a report in a few months, put
12 together with these Commissioners what we saw
13 down there, and find a way to make what we
14 saw, and what we know relevant to what we have
15 to do. Because, indeed, the facts are
16 different than many people in the United
17 States, and even many of our Commissioners
18 knew before they visited WIPP.

19 Thank you very much, Mr. Chairman.

20 CHAIR SCOWCROFT: Thank you very
21 much, Senator, for those very wise words.

22 Now, we're pleased to welcome to

1 the podium the Mayor of Albuquerque, Honorable
2 Richard Berry.

3 MR. BERRY: Good morning. I'd
4 like to welcome the Blue Ribbon Commission on
5 America's Nuclear Future to the great City of
6 Albuquerque. We're glad you're here today to
7 listen to comments, and to help make your
8 decisions.

9 I'm glad the Commission under the
10 leadership of Brent Scowcroft and Lee Hamilton
11 chose to spend a few days in New Mexico
12 listening to our citizens about the future of
13 nuclear energy in our country.

14 On a personal note, I would like
15 to especially welcome home one of New Mexico's
16 favorite sons, Senator Pete Domenici.

17 Senator, I'm honored to be with you this
18 morning. I think I speak for all New Mexicans
19 when I say that your leadership in Washington
20 is greatly missed, and we're fortunate that
21 you continue to work on matters important to
22 New Mexico, and our nation.

1 I'm glad that the Commission is
2 taking the opportunity to listen to New Mexico
3 about the impacts of nuclear energy in our
4 state, and more specifically, the Waste
5 Isolation Project. I believe that New Mexico
6 is on the forefront of nuclear power. And,
7 indeed, Albuquerque and the entire state of
8 New Mexico have benefitted greatly from having
9 nuclear energy leaders, such as Sandia
10 National Laboratories, Los Alamos National
11 Laboratories, and WIPP in the State of New
12 Mexico.

13 Each of these organizations
14 provides our state with the ability to make
15 nuclear energy a safe and reliable source of
16 power. Their contribution to our state's
17 economy is vital. Each of these institutions
18 provides high quality employment to thousands
19 of New Mexicans, and their presence enhances
20 other economic development opportunities from
21 the private sector, as well.

22 Although WIPP is not located in

1 Albuquerque, I believe it benefits our entire
2 state not only because of the economic impact,
3 but because it also can be used as a national,
4 and international model for nuclear cleanup.

5 Since WIPP received its first
6 shipment on March 26th of 1999, there have
7 been no accidents that have resulted in
8 serious injury, or the release of radioactive
9 materials into the environment.

10 I believe that WIPP is a great
11 example of how local, state, and federal
12 governments can work together to create a high
13 functioning, safe, and reliable location for
14 nuclear waste storage, and it has the added
15 benefit of being a driving force for
16 Carlsbad's growing economy.

17 France has led the way in nuclear
18 power for quite some time obtaining over 75
19 percent of their electricity from nuclear
20 power. And as the Mayor of Albuquerque, I
21 would like to see our state harness the power
22 of nuclear energy in a safe and reliable

1 manner so that the cost of energy for the
2 average New Mexican can be reduced. I believe
3 we have the ability through the great work
4 being done at Sandia, Los Alamos, and WIPP to
5 accomplish this.

6 We have a first-class workforce in
7 New Mexico, and oftentimes I talk about the
8 fact that unemployment isn't the only problem
9 facing New Mexico, but unemployment in our
10 state and nation are also an important topic
11 to discuss. New Mexico has a skilled
12 workforce, and continued research and
13 development in nuclear energy, whether it be
14 at Sandia, Los Alamos National Labs, or WIPP
15 will mean better job opportunities for all New
16 Mexicans.

17 We are in a new millennium, and we
18 understand the challenges that accompany
19 nuclear energy, but we have the technology,
20 and the ability to harness that power in a
21 safe and reliable manner. This is being
22 demonstrated on a daily basis across the

1 globe. WIPP is a great example of how we can
2 effectively deal with nuclear energy.

3 I look forward to continuing to
4 have conversations about nuclear energy,
5 whether it be on the research and development
6 side, or on the cleanup and storage side. I
7 believe nuclear energy will continue to be a
8 great resource for years to come, and will
9 continue to be an economic driver for our
10 state, and our nation.

11 So, once again, thank you all for
12 taking time to visit New Mexico. I look
13 forward to visiting with many of you, and I
14 hope that you will take a few minutes to enjoy
15 the beauty of Albuquerque and New Mexico while
16 you're here. And don't forget to enjoy some
17 of that local New Mexican cuisine; there's
18 nothing like it. So, once again, welcome to
19 Albuquerque. We wish you a great day, and I
20 know you'll get a lot of great information, so
21 thanks for being here.

22 CHAIR SCOWCROFT: Thank you very

1 much, Mayor Berry.

2 (Applause.)

3 CHAIR SCOWCROFT: We will next
4 have a statement from Senator Jeff Bingaman to
5 be delivered by Patricia Dominguez.

6 MS. DOMINGUEZ: Good morning. I
7 have a statement on behalf of Senator
8 Bingaman. He was unable to join us today.

9 "I am glad to join Mayor Berry and
10 the other members of New Mexico's
11 Congressional Delegation in welcoming the Blue
12 Ribbon Commission on America's Nuclear Future
13 to Albuquerque. I appreciate the Commission
14 taking the time to come to New Mexico to tour
15 the Waste Isolation Pilot Plant, to learn the
16 lessons that may be drawn from WIPP, and to
17 hear the views of a wide range of New Mexicans
18 on this important subject.

19 It is appropriate for the
20 Commission to do so, because WIPP has been a
21 success. WIPP has succeeded, I believe, not
22 just because it had the support of the local

1 community, but because it was developed
2 through a transparent and collaborative
3 approach. It is overseen and regulated by
4 independent federal and state regulators, and
5 it has a narrow statutorily defined mission.

6 I hope the Commission studies
7 these lessons well, as it reviews our nuclear
8 waste management policies, considers
9 alternative approaches, and prepares its
10 recommendations.

11 I hope the Commission will not
12 just look upon WIPP as it exists today, as a
13 successfully operating waste repository, but
14 that it will study and understand the long
15 history stretching back to the early 1970s
16 that has brought us to this point today.

17 The geology of WIPP salt beds and
18 the support of the local community did not
19 guarantee WIPP's success. Public opinion and
20 New Mexico's political leadership could have
21 turned against WIPP as strongly and as
22 decisively as Nevada turned against the Yucca

1 Mountain Repository. They nearly did in 1977,
2 when the Department of Energy considered using
3 WIPP to dispose of high-level military waste,
4 and again in 1978 when the Department
5 considered using WIPP to dispose of commercial
6 spent fuel. In the end, though, Congress
7 statutorily prohibited using WIPP for
8 commercial spent fuel in 1979, and even more
9 explicitly bound emplacement or disposal of
10 any high-level waste or spent fuel in WIPP in
11 1992. The ban on spent fuel and high-level
12 waste was an essential element of the
13 compromise that allowed WIPP to move forward.

14 Congress decided to manage spent
15 fuel and high-level waste not at WIPP, but at
16 geologic repositories developed under the
17 Nuclear Waste Policy Act of 1982. One of the
18 principal tenets of the NWPA was geographic
19 balance, the notion that no one state or
20 community should bear the entire burden.
21 Another major tenet of the Act was the
22 repository site should be chosen only on the

1 basis of a rigorous science-based siting
2 process. Congress broke both of these tenets
3 in 1987 when it indefinitely deferred the
4 second repository program and chose Yucca
5 Mountain as the site for the first repository
6 without fully examining alternative sites.

7 The Blue Ribbon Commission is, of
8 course, not a siting Commission. Recommending
9 a site is not part of its mission, or its
10 charter. Congress clearly understood in 1987
11 that it was putting all of its eggs in the
12 Yucca Mountain basket, and that if Yucca
13 Mountain failed, there was no backup plan.
14 The siting program would be over, and it would
15 be up to Congress to decide what to do next.
16 This is written into law.

17 By design, the original Nuclear
18 Waste Policy Act of 1982 did not select a site
19 for a repository. It set up a process by which
20 a suitable site could be found. That process
21 was short-circuited, and has now failed. What
22 we now need is not another candidate site, but

1 another process, which will ensure that any
2 ultimate decision is based on sound science,
3 enjoys public support and confidence, and was
4 arrived at fairly, transparently, and
5 credibly. The Commission can learn a lot from
6 studying the history of WIPP, and I look
7 forward to the lessons the Commission learns
8 from that study. Sincerely, Jeff Bingaman,
9 United States Senator." Thank you.

10 (Applause.)

11 CHAIR SCOWCROFT: Thank you very
12 much, Ms. Dominguez.

13 We will next have a statement from
14 Senator Tom Udall to be delivered by Andrew
15 Wallace.

16 MR. WALLACE: Thank you,
17 Commissioners. This is a letter from Senator
18 Tom Udall to the Commission.

19 "Dear Co-Chair Hamilton, and Co-
20 Chair Scowcroft. I would like to extend to
21 you and your Commission members and staff a
22 warm welcome to New Mexico. I would also like

1 to recognize former Senator Pete Domenici for
2 his continued service to our nation as a
3 Commission member. Thank you for providing me
4 the opportunity to enter these comments into
5 the record.

6 While I am in Washington this week
7 attending to business in the United States
8 Senate, I know you will hear from a number of
9 interested New Mexicans with valuable insight
10 and expertise during your public hearings.
11 Staff from my office in Carlsbad, Albuquerque,
12 and Washington will attend these meetings to
13 listen to these contributions, as well. I'd
14 like to note that our State Director, Bianca
15 Ortiz-Wertheim is here in attendance.

16 As you know well, the history of
17 the management of the nuclear fuel cycle in
18 America is complex, and I believe we will not
19 be able to tell where we are going unless we
20 know where we have been. With that in mind, no
21 assessment of American nuclear policy can be
22 complete without an understanding of New

1 Mexico's nuclear history, from the legacy of
2 the Manhattan Project, and uranium mining, to
3 the operation of the Waste Isolation Pilot
4 Plant, and the new URENCO LES enrichment
5 facility.

6 I trust your visit will be
7 productive, and I look forward to hearing from
8 the Commission's recommendations. Thank you
9 again for your visit to New Mexico, and for
10 your service. Sincerely, Tom Udall, United
11 States Senator."

12 CHAIR SCOWCROFT: Thank you very
13 much, Mr. Wallace.

14 We will next hear from Mr. Patrick
15 Duran, speaking on behalf of Representative
16 Ben Ray Lujan.

17 MR. DURAN: Good morning.
18 Unfortunately, Congressman Lujan could not be
19 here this morning, so I do have brief remarks
20 from him.

21 "To Chairman Hamilton and
22 Scowcroft, Commission Members, and my fellow

1 New Mexicans. Thank you for all being here.

2 As the Commission considers
3 America's nuclear future, it is important they
4 hear from New Mexicans, as we have been part
5 of America's nuclear past to an uncommon
6 degree. I am sorry I am not able to be here
7 in person to speak with you, and I am
8 confident you will hear from many of my
9 constituents.

10 As I have said before, and shared
11 with my colleagues in Committee hearings, I
12 hope we agree that simply putting waste into
13 the ground is not sustainable, and, quite
14 honestly, not a solution. I wanted to convey
15 my desire through this statement that we
16 pursue as vigorously as possible technologies
17 to reduce the amount of waste produced both
18 through greater efficiency, and through
19 recycling techniques that break down the
20 waste.

21 I think one of the lessons from
22 our experience with fossil fuels is that we

1 should start addressing fuel efficiency and
2 environmental effects earlier than just
3 leaving it. We have this opportunity now, and
4 I hope we resist the temptation to pass this
5 off to future generations.

6 I appreciate your invitation to
7 speak here today, and look forward to working
8 with you in the future on this very important
9 issue. Sincerely, Ben Ray Lujan, U.S.
10 Representative." Thank you.

11 CHAIR SCOWCROFT: Thank you very
12 much, Mr. Duran.

13 (Applause.)

14 CHAIR SCOWCROFT: We will next
15 hear from Assistant Secretary of Energy, Ines
16 Triay, Assistant Secretary for Environmental
17 Management.

18 MS. TRIAY: Good morning. It's a
19 great pleasure to be able to present the
20 journey of the Waste Isolation Pilot Plant, as
21 well as the lessons learned from my
22 perspective. I'll give you a little bit of

1 background.

2 I was the Field Manager of the
3 Carlsbad Field Office for the Department of
4 Energy from 1999 through 2004. And, in
5 addition to that, my group at Los Alamos
6 National Laboratory made the first shipment to
7 WIPP on March the 25th of 1999. So, I have a
8 lot of experience in understanding the
9 improvements that we have made at the Waste
10 Isolation Pilot Plant over the years. I'm
11 extremely proud of WIPP, and it is my great
12 pleasure today to take you through the journey
13 of WIPP.

14 I know that my colleagues in
15 Carlsbad talked to you yesterday, and did an
16 excellent job with very thorough
17 presentations, and my goal here today is to
18 summarize the journey of WIPP, and spend some
19 time answering any questions that you may
20 have. Next viewgraph, please.

21 I believe that like probably Roger
22 Nelson emphasized yesterday, we have a very

1 good medium at the Waste Isolation Pilot Plant
2 for the isolation of nuclear waste. As early
3 as 1957, the National Academy of Science
4 concluded that most promising disposal option
5 for radioactive waste was actually in salt
6 deposits. And, of course, you saw for yourself
7 yesterday, WIPP is in the Delaware Basin, and
8 probably you got the very clear sense for
9 those salt bed and the stability of the salt
10 at WIPP. Next viewgraph, please.

11 So, the disposal site selection
12 criteria dealt, of course, with geologic,
13 hydrologic, tectonic stability, and
14 physical/chemical compatibility. The bottom
15 line is that the natural barrier, itself, at
16 the Waste Isolation Pilot Plant prevents the
17 release of radionuclides as a result of the
18 processes that -- the natural processes that
19 one could envision occurring at the
20 repository.

21 In addition to that, the disposal
22 site selection criteria did include economical

1 and social acceptability. I believe that
2 disposal site selection criteria is, perhaps,
3 the most important one. It's a given that the
4 natural barrier has to be robust. But in
5 addition to that, the acceptability from an
6 economical and social perspective is essential
7 in order to be able to select a site for a
8 repository. Next viewgraph.

9 In 1960, the Project Salt Vault
10 tested the efficacy of disposal in salt using
11 actual used fuel from a reactor in Idaho, as
12 well as heat-producing waste using electric
13 heaters. This project provided then the
14 technical evidence that the 1957
15 recommendation by the National Academy of
16 Science would work, and the experience in how
17 to site and design a repository. In 1972, the
18 Carlsbad city leaders asked the Atomic Energy
19 Commission to explore Southeast New Mexico for
20 candidate sites. And, of course, they knew
21 that they had a very robust natural system in
22 their community. Next viewgraph.

1 Now, one of the siting criteria
2 was that the footprint of the Waste Isolation
3 Pilot Plant, essentially, be more than about
4 two miles from any previous bore holes. And
5 since the Delaware Basin is potentially
6 attractive to both oil and gas production, and
7 potash extraction, there were numerous
8 exploration bore holes drilled throughout the
9 area. So, this map shows the final site
10 selection to respect and honor the two miles
11 from any previous bore holes. Next.

12 Now, the focus on the WIPP site
13 characterization was on the sub-surface
14 properties. Geologic and hydrologic studies
15 were conducted not only by drilling bore
16 holes, but also full-scale opening and
17 inspection of an entry shaft. The tests for
18 the effects of packaging, heat, and brine on
19 the salt waste matrix were conducted in the
20 1980s. Permeability, porosity, pressure, other
21 characteristics were measured both in the
22 disturbed rock zone, and in the undisturbed

1 rock. All of the Waste Isolation Pilot Plant
2 performance assessments demonstrate compliance
3 with the Environmental Protection Agency's
4 standards that were set for the long-term
5 repository compliance. And all of those
6 performance assessments are founded on the
7 results of those tests. Next.

8 In 1980, the Congress passed the
9 DOE National Security and Military
10 Applications of Nuclear Energy Authorization
11 Act, and it separated weapons production waste
12 disposal from power production waste. The
13 Waste Isolation Pilot Plant construction began
14 in 1981, and a cooperation and consultation
15 agreement between the Department of Energy and
16 New Mexico State to protect the state and the
17 federal interests was entered into. Next,
18 please.

19 So, the Waste Isolation Pilot
20 Plant construction began in 1981. The
21 engineered facility was ready for waste
22 disposal from the engineering perspective in

1 1988, but it took 11 more years to gain the
2 appropriate regulatory approval in order to
3 start operating WIPP. Next viewgraph, please.

4 It is essential from the lessons
5 learned perspective that we recognize that the
6 regulatory approvals are an essential part of
7 this process, and, therefore, we do not
8 underestimate the huge burden that we have
9 when it comes to the science that we need to
10 have in order to obtain that regulatory
11 approval. Next.

12 In 1992, Congress passed the WIPP
13 Land Withdrawal Act, and it recognized the
14 consultation and cooperation agreement with
15 New Mexico, established 15-years of economic
16 assistance for New Mexico mainly for the
17 construction of roads so that we could
18 minimize the impact of disposing of
19 transuranic waste here in New Mexico from all
20 over the country. It also provided funding
21 and assistance related to transportation for
22 states and tribes. I cannot emphasize enough

1 the importance of the Department of Energy and
2 the Western Governors Association, a
3 collaboration, and the protocols that were
4 designed in order to ensure that the shipments
5 were safe and uneventful.

6 The routes were approved. The
7 routes are routinely evaluated for safe
8 travel, considering weather reports, and other
9 conditions that may impact adversely the
10 shipments. Provisions are made to follow, and
11 to allow for safe parking along the approved
12 routes. If a condition warrants stopping a
13 shipment en route prior to arrival at WIPP,
14 advanced notification of the two-way shipments
15 at several different intervals before
16 departure and during transit, including
17 constant monitoring of shipment activity and
18 communications through a satellite tracking
19 system with state and tribal access to that
20 system, public information, participation
21 which allows venues for the public to actually
22 see the tractor trailer package configuration,

1 and program evaluations conducted by the
2 states that provide the Department of Energy
3 with a periodic report card for the states.

4 Lastly, I think that the personnel
5 that works on transportation realizes the huge
6 responsibility that they have from the
7 drivers, we have some of the best drivers in
8 the nation performing this work, to the other
9 workers that are the support system for the
10 transportation program.

11 I believe that you heard from
12 Casey Gadbury yesterday, and I cannot
13 emphasize enough the importance of a robust
14 transportation program when it comes to the
15 Waste Isolation Pilot Plant.

16 The Land Withdrawal Act also
17 withdrew 16 square miles for WIPP development,
18 and authorized a test phase, and established
19 the conditions for initiation of disposal
20 operations. Next, please.

21 The Land Withdrawal Act was
22 amended in 1986, and at that point, the

1 conditions for initiation of disposal
2 operations were revised. The transuranic
3 waste was exempted from land disposal
4 restrictions, and we -- also, the Congress
5 authorized the beginning of economic
6 assistance to New Mexico. In that amendment,
7 also, the transuranic waste packaging needs to
8 be certified by the Nuclear Regulatory
9 Commission. So, the certified shipping
10 packages are tested in a very robust manner.
11 There are drop tests on non-yielding surfaces,
12 and a spike, and thermal test to ensure that
13 in the event of an accident, a transportation
14 accident, the package is robust to withstand
15 fires. Next viewgraph.

16 In this particular graph, we -- I
17 go through the regulatory framework that
18 governs the Waste Isolation Pilot Plant. In
19 short, the Environmental Protection Agency
20 regulates the radioactivity both in the
21 characterization phase, and in the disposal
22 phase of WIPP. The New Mexico Environment

1 Department regulates the hazardous components
2 of the waste, both for characterization and
3 disposal. And the Nuclear Regulatory
4 Commission needs to certify the transportation
5 packages that are utilized in order to
6 transport the waste from the generator sites
7 to the WIPP facility.

8 Just to briefly summarize some of
9 the salient points here. As I was telling
10 you, on March the 25th, 1999 we sent the first
11 shipment from Los Alamos National Laboratory.
12 At Los Alamos, there were a lot of my
13 colleagues cheering in the streets, and on
14 March the 26th the first shipment arrived in
15 Carlsbad. And I understand that there was a
16 similar celebration going on at the Carlsbad
17 site.

18 And later on in 1999, we received
19 a Resource Conservation and Recovery Act
20 permit from the New Mexico Environment
21 Department. The Environmental Protection
22 Agency certified WIPP in 1998, and the first

1 shipments that we made from Los Alamos were of
2 non-mixed waste. In other words, only the
3 transuranic waste, there were no hazardous
4 components associated with that waste. Once we
5 received the permit late in 1999, we could
6 open the pipeline to receive not only straight
7 transuranic waste without hazardous
8 components, but also transuranic waste,
9 including waste with hazardous components in
10 it.

11 In 2003, we -- the Congress also
12 issued Section 311, sponsored by Senator Pete
13 Domenici, and in that section Congress asked
14 the Department of Energy to send permit
15 modification into the New Mexico Environment
16 Department to try to streamline the
17 characterization requirements needed in order
18 to certify transuranic waste to go to the
19 Waste Isolation Pilot Plant.

20 That permit modification that
21 ultimately was processed by the New Mexico
22 Environment Department has allowed us to

1 streamline those characterization
2 requirements, and utilize what we call
3 acceptable knowledge, the knowledge of the
4 process that generated the waste in order to
5 do the streamlining that needed to be done, in
6 order for WIPP to be more efficient.

7 In 2006, WIPP was re-certified by
8 the Environmental Protection Agency, and,
9 again, in 2010. That was our last re-
10 certification by the Environmental Protection
11 Agency. Our RCRA permit was renewed, as well,
12 in 2010. Next.

13 WIPP has had a long history of
14 external oversight prior to the time when we
15 had actually regulators. And the New Mexico
16 Environmental Evaluation Group was an
17 interdisciplinary group of scientists and
18 engineers here in New Mexico that provided
19 independent technical evaluation of the Waste
20 Isolation Pilot Plant from 1978 through 2004.

21 The National Defense Authorization
22 Act assigned EEG to the New Mexico Institute

1 of Mining and Technology, and that
2 authorization continued until 2004. Next,
3 please.

4 The National Defense Authorization
5 Act required the use of competitive procedures
6 for a contract to conduct independent reviews,
7 and the Department of Energy issued a contract
8 to PECOS Management Services of Albuquerque,
9 and that contract was in effect through
10 September of 2010.

11 As we became more regulated using
12 well established procedures across the
13 complex, the need for external oversight
14 diminished, but at the beginning, when we were
15 still not actively being regulated, because
16 WIPP was not in operation, the external
17 oversight actually assisted greatly in
18 establishing the technical credibility of the
19 Waste Isolation Pilot Plant science. Next,
20 please.

21 So, let me talk a little bit about
22 the lessons learned. First, as I was

1 delineating, the regulatory approval period is
2 an all important period in the Waste Isolation
3 Pilot Plant journey. And the experience with
4 the regulators for it to be successful
5 requires establishing credibility, and
6 technical exchange meetings, topical
7 workshops, multi-jurisdictional meetings where
8 we have different regulators, for instance,
9 the regulators that regulate the transuranic
10 waste at the Idaho site, and the regulators
11 that regulate the transuranic waste at the New
12 Mexico site, like Los Alamos National
13 Laboratory coming together with the New Mexico
14 Environment Department that regulates the
15 Waste Isolation Pilot Plant, the Environmental
16 Protection Agency. And we were very active in
17 trying to make sure that those meetings, and
18 that shared understanding with our regulators
19 occurred at all levels within the Department
20 of Energy complex.

21 Negotiation sessions is very
22 interesting, because your natural tendency is

1 just a human natural tendency, is to talk to
2 people who agree with you. It's no surprise,
3 perhaps, that some of my colleagues in the New
4 Mexico Environment Department approached me
5 when I was the Field Manager at Carlsbad and
6 said that that may be the human natural
7 tendency, but in reality most of the time of
8 the federal officers in a business such as
9 nuclear waste disposition needs to be spent
10 talking to people that disagree with you,
11 because it is only by that dialogue that you
12 get to better solutions.

13 Routine visits, phone calls,
14 development of position papers that clearly
15 delineate the reasons for a particular request
16 for modification of the permit are essential
17 when one is dealing with regulators. This is
18 an area that is very difficult. It has a lot
19 of aspects with respect to the regulatory
20 framework, and those active interactions with
21 regulators are all important for success. Next
22 viewgraph, please.

1 With respect to siting studies,
2 setting the repository performance criteria
3 before siting I think is paramount. And the
4 science must be focused on compliance. It is
5 very interesting many times to talk to the
6 scientists in our National Laboratories, many
7 of the scientists generated the transuranic
8 waste that today we're disposing. And
9 sometimes when, in those scientific
10 discussions, it becomes evident to the
11 scientists what doesn't need to be done any
12 longer, or what needs to be done in a
13 streamlined manner, or what needs to be done
14 differently. And we need to recognize that
15 good science is the first step to the
16 regulatory process. And that having
17 tremendous patience to make absolutely certain
18 that everybody can come to the table and
19 understand the specifics of any proposals to
20 modify the current regulatory framework is
21 paramount.

22 Finally, the public, community,

1 and stakeholders. I believe that project
2 transparency, early continuous public
3 outreach, and response to public interest,
4 public meetings, grants and agreements. There
5 are times that a segment of the public wants
6 to participate but because of the demands on
7 their time during their routine work, that
8 doesn't give them the time to truly understand
9 the issues associated with a particular aspect
10 of WIPP. And those grants to colleges, to
11 communities sometimes helps in terms of having
12 the community have the time, the resources in
13 order to understand the specific aspects
14 associated with the Waste Isolation Pilot
15 Plant, and how we can move forward together,
16 and what is the compromise that needs to be
17 reached. Next.

18 Finally, I think that the Waste
19 Isolation Pilot Plant is a national success.
20 We have cleaned up 17 sites in 12 states,
21 totally we have 29 sites that need to be
22 cleaned up. We're down to five large sites,

1 large quantity sites. We have already
2 inventoried one of the large quantity sites,
3 which is the Rocky Flats plant. And that was
4 completely cleaned up by the Department of
5 Energy. And, in addition to that, we are now
6 looking at finishing the inventorying of the
7 legacy transuranic waste from the Savannah
8 River site in 2012.

9 We have made over 9,200 safe
10 shipments, and traveled 11 million loaded
11 miles, miles with the waste in our shipments.
12 We have disposed of over 72,000 cubic meters
13 of transuranic waste over the 12 years that we
14 have been in operation. It's going to be 12
15 years in March of this year. And we have a
16 plan, a vision to be able to dispose of 90
17 percent of the legacy transuranic waste in the
18 Department of Energy complex by 2015.

19 I believe that WIPP is an
20 international model for safe disposal of
21 radioactive waste, and the fact that we can
22 clean up our installations in the Department

1 of Energy complex, and our New Mexico
2 facilities, such as Los Alamos National
3 Laboratory, is extremely important for the
4 success of the Environmental Management
5 Program, and the success of the Waste
6 Isolation Pilot Plant. So, with that, I turn
7 the floor to you for questions.

8 CHAIR SCOWCROFT: Thank you very
9 much, Secretary Triay for a very informative
10 presentation. Are there any questions from
11 the Commissioners? Per.

12 MEMBER PETERSON: I'd like to
13 start, actually, just with a comment. We've
14 had the opportunity to visit many different
15 places where DOE has operated facilities over
16 the years, and we've heard a variety of
17 opinions about DOE, sometimes rather negative.
18 I'd just like to say that it's been very
19 impressive to me, and I believe all of the
20 other Commissioners to see what's been
21 accomplished here in terms of DOE's
22 interactions with the public, and how it has

1 conducted the operations here. And for people
2 who work for the government, sometimes one is
3 subject to more criticism than praise. What
4 I'd like to do at this point, at least, is to
5 tell you how much I personally appreciate -- I
6 think I probably speak for all of the members
7 of the Commission. Your dedicated service and
8 the things that you have accomplished here,
9 furthermore, in this presentation, it is
10 filled with insights that I believe helped to
11 inform us in terms of how a process can be
12 constructed that in the end will do the right
13 thing in all dimensions, and hear what's been
14 accomplished in terms of cleaning up the
15 legacy of the Cold War is really impressive.
16 So, again, I'm just deeply grateful to you and
17 your colleagues who serve in the DOE, and I
18 want you to hear that praise, since sometimes
19 that doesn't happen. Thank you.

20 MS. TRIAY: I accept that on
21 behalf of all of those hardworking people in
22 the Department of Energy, and, in particular,

1 at the Waste Isolation Pilot Plant, our
2 federal officers, and our contractors, and
3 definitely the community that has carried us
4 on their shoulders for so many years.

5 CHAIR SCOWCROFT: Thank you, Per.
6 I think you expressed the sentiments of the
7 entire Commission. Are there other comments
8 or questions? Yes.

9 MEMBER SHARP: First, I certainly
10 echo the comments of the significant public
11 service you and others have performed here, as
12 well as local community leaders.

13 Let me ask a question about one of
14 the most impressive things, from my point of
15 view, was the environmental monitoring that
16 occurs daily, I gather, and the capacity of a
17 local citizen in the area to actually go in
18 and have themselves, their children tested to
19 see if, in fact, there is any consequence from
20 having the facility there, and transporting
21 the materials there.

22 I've never heard anywhere else in

1 the country, or in any other industry, that
2 such a program exists. And I wondered if you
3 can enlighten us, and I gather this was a
4 requirement the State of New Mexico put into
5 place, but could you comment on that?

6 MS. TRIAY: Yes. We -- I believe
7 that, partly, the program that you refer to,
8 I think that we at WIPP, at least when I was
9 there, we used to call it lie down and be
10 counted, which means that you can have an
11 entire body count to make sure that you know -
12 - our intent was to establish a baseline, with
13 the idea of demonstrating that the disposal of
14 transuranic waste didn't change that baseline
15 of the state of the public when we initiated
16 the program.

17 I think that partly what you're
18 saying is that at the Waste Isolation Pilot
19 Plant, you see almost a modern way of us
20 conducting business versus, perhaps, the many
21 decades of weapons production where the sense
22 of urgency of winning the Cold War, and the

1 lack of development of environmental laws led
2 the Department of Energy to make certain
3 decisions that from the environmental
4 perspective clearly needed to be addressed at
5 a later time, and that was the essence of the
6 Environmental Management Program.

7 So, we have capability for body
8 counting for performing urinalysis of people
9 who feel that they have been exposed to
10 radioactivity as a result of exposures from
11 the Department of Energy operations. I think
12 that what you see at WIPP that is different,
13 is that the way that we started the operation
14 was already based on clear rules of engagement
15 versus other DOE facilities that have had to
16 mature decades after they were already in
17 operation. I guess, that from my accent
18 perhaps you notice that I am a Cuban American,
19 and I do think that winning the Cold War was
20 the most important accomplishment of humankind
21 in our lifetimes. So, I think that it was a
22 very important accomplishment, because of the

1 sense of urgency that our colleagues at that
2 time felt. The environmental protection truly
3 needed to be strengthened once we recognized
4 that we can perform nuclear work, and at the
5 same time protect the environment. And I
6 think that WIPP is the best example of how a
7 modern operation would be conducted in the
8 nuclear field.

9 MEMBER SHARP: Well, I just want
10 to reemphasize that, because as any community
11 or state considers going forward, where we
12 might put either an interim long-term storage,
13 or put a permanent depository kind of
14 proposition, this strikes me as one element
15 that is absolutely essential, and especially
16 at least has the capacity to reassure
17 individuals that they are being taken
18 seriously, as long, of course, the system is
19 run independently so that you can have
20 confidence in it.

21 MS. TRIAY: I agree completely.

22 CHAIR SCOWCROFT: Pete.

1 MEMBER DOMENICI: Thank you, Mr.
2 Chairman. First, I wanted to say, Ines, you
3 and I worked together for a long time, and you
4 got promoted from the site to Washington. I
5 don't see you nearly as much. I did want to
6 tell you that as I grow old, I have to
7 frequently invent an excuse for not
8 remembering somebody, and what I do is
9 occasionally say to them "Oh, yes, I don't
10 remember, because you changed, you're wearing
11 a cowboy hat today." Sure enough, if they
12 were, I'm right. They say, "Oh, I never wore
13 it when you saw me before." So, you see, it
14 really works. I was almost going to tell you,
15 I don't know who you are, and then I would
16 have said, "Oh, you changed your hairdo."

17 (Laughter.)

18 MEMBER DOMENICI: And that really
19 is the case. But, nonetheless, I did remember
20 you in spite of the change in your hairdo.

21 (Laughter.)

22 MEMBER DOMENICI: Now, what I

1 would like to ask you, just a couple of
2 things. Senator Bingaman in his testimony
3 delivered by that wonderful lady who came over
4 here and gave me a copy. I didn't have it, so
5 I thank you for that. But at the end of it,
6 I want to just read you this, see if you
7 listened carefully. He said, "What we need
8 now is not another candidate site, but another
9 process which will ensure that any ultimate
10 decision is based on sound science, enjoys
11 public support and confidence, and was arrived
12 at fairly, transparently, and credibly."

13 Now, I ask you, is that not the
14 way WIPP has been arrived at?

15 MS. TRIAY: I believe that the
16 process that was utilized at WIPP, Senator,
17 has all of the elements that you have read in
18 the statement of Senator Bingaman. I do
19 emphasize, however, that the compromises, the
20 negotiations, the regulatory approvals, all
21 the ground that we have gained at the Waste
22 Isolation Pilot Plant has been done in a

1 collaborative manner with the State of New
2 Mexico, with regulators.

3 MEMBER DOMENICI: Oh, I
4 understand.

5 MS. TRIAY: And for that reason, I
6 believe that both you and Senator Bingaman are
7 right in saying that the process that was
8 utilized here is the process that we need
9 moving forward.

10 MEMBER DOMENICI: But I want to
11 make a couple of points with you. At one
12 point in your discussion, you said, "One
13 regulatory achievement took 11 years, and that
14 this process took much more than 11 years from
15 beginning to end." Now, I really want you to
16 think before you answer this.

17 Is it not true that we ought to be
18 able to approve, regulatorily speaking, a
19 license or a permit for something like WIPP in
20 less than 25 years?

21 MS. TRIAY: And I believe, the
22 answer is yes, we should, and I believe that

1 if we started this process today, we would do
2 it in a lot less than the time that was --
3 that that took. And the reason is, all the
4 lessons that we have learned --

5 MEMBER DOMENICI: Okay.

6 MS. TRIAY: -- on how we need to
7 proceed out front so that it doesn't take the
8 amount of time that WIPP took, absolutely.

9 MEMBER DOMENICI: Okay. Let me do
10 this now. Could you, not now, but for the
11 record, if the Chairman thinks it's all right,
12 could you for the record, you and your staff,
13 go through every regulatory hiccup, every
14 regulatory stop for any point in time, every -
15 - itemize each one, and tell us how long it
16 took to get that done. And you, as the
17 expert, indicate how important it was or
18 wasn't in your opinion that we do that.

19 See, what I'm worried about is
20 some of these regulatory bumps take seven
21 years, and when the expert sees it, they say
22 it was really much to-do about nothing. It had

1 very little impact, if any, but it's in the
2 rules, it's in the law. And I'd like to know
3 some of those, so we can write them out when
4 we tell the Secretary of Energy next time
5 through, do this, but don't do this. Okay?
6 Can you do that for us?

7 MS. TRIAY: We would be happy to
8 do that, Senator. And I just emphasize that
9 the idea of having experts at the table, but
10 experts that can clearly communicate their
11 studies, the work that they have done, and
12 that independence of experts from academia,
13 from external oversight groups, that is
14 essentially what pushes the process forward.
15 So, we definitely will do that, and we will
16 make sure that we don't have the same issues
17 in the important work that you are doing, that
18 we have had at the Waste Isolation Pilot
19 Plant. Absolutely.

20 MEMBER DOMENICI: Thank you, Mr.
21 Chairman.

22 CHAIR SCOWCROFT: Thank you very

1 much, Secretary Triay. We appreciate your
2 presentation, and coming to meet with us.
3 Thank you very much.

4 (Applause.)

5 CHAIR SCOWCROFT: We will now
6 convene a panel of state, local, and tribal
7 perspectives on the WIPP issue. And I would
8 ask Dave Martin, Secretary of New Mexico
9 Environmental Department, Bob Neill, the
10 Environmental Evaluation Group, Susan Gordon
11 from the Alliance for Nuclear Accountability,
12 and Neil Weber from the San Ildefonso Pueblo
13 to take their seats.

14 MR. FRAZIER: If I may, Mr.
15 Chairman.

16 CHAIR SCOWCROFT: Yes.

17 MR. FRAZIER: A programming note,
18 panelists, please mind your 10-minute limit.
19 Thank you.

20 CHAIR SCOWCROFT: I'd like to
21 welcome the panel, and Secretary Martin, you
22 may begin, either where you are, or from the

1 podium, as you choose.

2 SEC. MARTIN: Thank you, Mr.
3 Chairman, members of the Blue Ribbon
4 Commission, fellow citizens and guests. I am
5 Dave Martin. I'm the designee to the Cabinet
6 Secretary for the New Mexico Environment
7 Department. I've been in this position for
8 about two weeks, so I don't claim to be an
9 expert on everything that we're going to
10 discuss today. I will try to convey the
11 Environment Department's perspective on what's
12 happened at WIPP, and how that might apply to
13 future deliberations that this Commission will
14 have.

15 As we heard yesterday from James
16 Bearzi, our Bureau Chief of the Hazardous
17 Waste Bureau, the WIPP model worked for a
18 number of reasons, some of which are listed
19 here. First off, it's, as we know, the only
20 deep geologic repository that's permitted in
21 the country. It's looking at disposal of
22 radioactive waste from research activities and

1 production of nuclear weapons. And the
2 facility handles about 90 percent contact-
3 handled waste, and 4 percent remote-handled
4 waste. So, what we hope to present here is to
5 apply the lessons that were learned at WIPP,
6 couple those lessons with requirements for
7 America's Nuclear Future.

8 The key components in the
9 Department's view for the successful WIPP
10 project included, and you're hearing these
11 themes over, and over, and over again, support
12 of local community, early involvement of all
13 the interested parties, outreach to public and
14 community groups, public participation, and
15 the involvement of the Department of Energy,
16 the Environmental Protection Agency, the
17 Nuclear Regulatory Commission, the National
18 Labs, Los Alamos and Sandia, the Environmental
19 Evaluation Group that we'll hear from later
20 this morning, the Carlsbad Environmental
21 Monitoring and Research Center that we heard
22 from yesterday, the Environment Department,

1 and the Site Operator, Washington TRU
2 Solutions.

3 Transparency and visibility is
4 very important, and technical and also non-
5 technical issues need to be identified and
6 addressed early on. A collaborative approach
7 to problem-solving, a consensus is sought
8 early and often, and as James Bearzi pointed
9 out yesterday, consensus may not be quite the
10 right word, because of the various opinions.
11 The goal is to develop a framework that
12 everyone can accept. Everyone may not like
13 all aspects of it, but it's something that all
14 the parties can accept. Credibility and trust
15 developed and maintained, it's been mentioned,
16 and extensive monitoring air, soil, water, and
17 people. And an important thing here is to
18 develop a baseline so that the continued
19 monitoring can evaluate whether there's been
20 any change in that baseline or not.

21 And one thing that's not on this
22 slide, I visited WIPP early this week, and I

1 was very impressed, not only with the quality
2 of the people there, but with their rigorous
3 attention to detail and procedure. And that's
4 absolutely essential in a project of this
5 type.

6 The permitting success, the EPA,
7 the initial certification, re-certification
8 every five years, the New Mexico Environment
9 Department, the Hazardous Waste Permit was
10 first issued October of 1999, the 10-year
11 permit renewal was issued this past November,
12 and, as mentioned previously, the Nuclear
13 Regulatory Commission with the packaging and
14 transportation.

15 Obviously this is an extremely
16 complex project, and the various aspects that
17 need to be considered include technical,
18 social, political, economic, geographic, and
19 transportation. The scientific parameters need
20 to be outlined. The non-technical factors
21 need to be considered. How much specificity
22 should go into the permit? As Senator

1 Domenici pointed out, these permits need to be
2 issued in a more timely fashion in the future.
3 And having gone through this process, as the
4 Secretary said, that should be -- there should
5 be the ability to speed that up considerably
6 in the future. Nuclear safety, that's
7 paramount, the environmental monitoring, and
8 also legal aspects.

9 Sound science has been mentioned
10 here 100 times probably, and I can't over-
11 emphasize that. My background is technical.
12 I'm an engineer, so I'm familiar with the
13 scientists, and I know that scientists
14 sometimes will disagree, but we need to make
15 sure that the data is good data and that the
16 science is as sound as you can get it.

17 So there'll be a lot of research
18 needed for looking at the future projects,
19 such as you're looking into. You'll need to
20 consider the availability of the required
21 scientists and engineers for such a project.
22 Also the technical support, the types of

1 equipment required will vary depending on what
2 sort of waste product you're looking at. So
3 our feeling is that a framework needs to be
4 provided for evaluation and also to implement
5 quality assurance.

6 This is a project that involves a
7 very multi-disciplinary approach and
8 personnel. You've got people involved in
9 physics, chemistry, geology, engineering,
10 geophysics, mining, environmental management
11 and monitoring, safety and emergency
12 management, security, accounting, legal, and
13 others. It's a very complex project involving
14 a lot of people.

15 We feel the mission should be
16 clear but flexible. As new technology
17 develops, there may be reason to alter things
18 somewhat, so you don't want to be so rigid
19 that you're not able to accommodate that.
20 Identify the type of waste or wastes involved,
21 whether that's military or civilian. As
22 Senator John Heaton pointed out yesterday,

1 some of this waste may actually be a resource,
2 so the used nuclear fuel may be able to be
3 processed, and you want to maintain access to
4 that so that it could be processed whenever
5 the time was proper, and then also considering
6 high-level waste. So the disposal or
7 disposition paths could be interim or
8 temporary storage, surface storage, or deep
9 geologic disposal facility for a repository.

10 This is a possible process that we
11 propose for making site selection. The
12 suitability of the site for the type of waste
13 or wastes involved, the ability of highly
14 trained technical and support staff, existing
15 infrastructure, highways, power, utilities,
16 people, emergency response, a sound scientific
17 infrastructure and foundation for the type of
18 disposal or reprocessing, a clear but flexible
19 mission statement, decisions based on sound
20 science, federal-state cooperative agreement,
21 and a partnership amongst all of the parties,
22 and that includes DOE, EPA, the state, NRC,

1 the National Labs, industry, and as we've
2 heard, most importantly, the community, not
3 only the local community, but the entire
4 community that might be affected.

5 And with that, I'll close and just
6 say that we appreciate the opportunity to
7 present our thoughts, and we'd be happy to
8 provide additional information if the
9 Commission so desires.

10 CHAIR SCOWCROFT: Thank you very
11 much, Secretary Martin. Next is Bob Neill of
12 the Environmental Evaluation Group.

13 MR. NEILL: Thank you, Mr.
14 Chairman. In 1978 the State of New Mexico had
15 a number of technical concerns about the
16 proposed project to dispose of defense high-
17 level waste at WIPP. It lacked the resources
18 with which to address them. DOE stepped
19 forward and said we will fund a totally
20 independent technical review group, no strings
21 attached, hire your own people, do what you
22 will. Now this is a very admirable approach

1 by the Department, and it was unprecedented at
2 that point in time. Their motivations weren't
3 totally altruistic, however, because there
4 were some efforts in the state at that time to
5 have a referendum put on the ballot, you know,
6 do you want a nuclear waste facility.

7 I set up EEG in 1978 later that
8 year and directed the review for 22 years
9 retiring in the year 2000, one year after WIPP
10 opened. I couldn't help but note after Dr.
11 Triay was speaking today that during that time
12 I worked with no less than eight different DOE
13 WIPP Project Managers, of which Dr. Triay was
14 the last one that I worked with.

15 Now what are some of the essential
16 elements for state review? We had -- the
17 mission of EEG was to evaluate the impact on
18 the public health and the environment. And it
19 is essential that a state review be totally
20 objective, neither pro nor anti in the
21 evaluations. Similarly, to be independent,
22 not have to -- reports reviewed or approved by

1 any other entity. At one point, when a
2 governor thought we were being too hard on DOE
3 in our evaluations, we had two patron saints
4 that stepped forward, Senator Domenici, and
5 Senator Bingaman, who took the necessary steps
6 to move us from state government to assign us
7 in New Mexico Tech, and for that I'll be
8 eternally appreciative to both those gentlemen
9 for ensuring the objectivity and the
10 independence of the groups.

11 You also need very competent
12 people that are senior, knowledgeable. The
13 recent June graduates are fine and important,
14 but it's important to have a perspective on
15 many of these things. And in addition, it is
16 important to be multi-disciplinary. We have
17 geologists, hydrologists, but, again, the main
18 focus is on the radiation protection or
19 radiological health, and to that end, that's
20 what we focused on there.

21 It is essential that one not just
22 write a nasty letter to DOE or give a public

1 talk but to publish the analyses, the reports,
2 and the results for it. And during that time,
3 we published over 80 reports at different
4 times. These are typical ones. They're
5 simple cardboard covered reports, nothing
6 fancy, but thoroughly referenced. And over
7 that period, I never did have to eat one of
8 those reports.

9 It is essential -- in fact, one of
10 them is the probability of a hoist accident
11 done by a consultant to us, Professor Moe
12 Greenfield from UCLA who came out and worked
13 with us a number of times, and the NRC was so
14 impressed with the analysis on catastrophic
15 hoist accidents that they not only referenced
16 the report in their instructions to other
17 agencies but republished the report in its
18 entirety as guidance, more than guidance, that
19 you have to follow that.

20 Presentations at public meetings
21 are very important. I testified -- in New
22 Mexico, we have a Joint Committee from the

1 House and Senate for those that are addressing
2 the radioactive waste disposal facilities, and
3 I must have testified four times a year for
4 over 20 years in that regard. Also, to keep
5 the Congress informed as to what is going on
6 is absolutely essential.

7 We had formal field trips where we
8 brought in members from the National Academy
9 of Science and others, and I can recall one
10 major meeting where we brought in people of
11 diverse views to evaluate the significance of
12 deep dissolution, deep brine reservoirs that
13 are nearby. The Deputy Attorney General of
14 the state was there. He came up to me at the
15 end of the three days and said, "Bob, I didn't
16 understand one word, but I am confident seeing
17 this that you're addressing all the diverse
18 views and ensuring that all these different
19 quarters are heard."

20 It's also important to encourage
21 the staff to have key roles. I was blessed
22 with being appointed to Advisory Committees

1 for the DOE, for EPA, for the National Academy
2 of Sciences, the Aspen Institute, and several
3 others, the Office of Technology Assessment of
4 the U.S. Congress at one point.

5 Now part of the -- we determined
6 that DOE had met the EPA standards, and we
7 recommended that disposal begin. Now part of
8 the success, I believe, of WIPP is public
9 confidence from the EEG evaluation of the
10 impact on public health. One other important
11 factor is that the local officials, as you
12 well know, supported this project and set the
13 stage to be considered for it. And the
14 governor and the legislature committed to give
15 the project a fair hearing. And that is so
16 essential and important that you don't stack
17 the deck one way or the other.

18 Now in addition to these
19 recommendations for the Commission to
20 consider, I think there are some additional
21 ones to look at as well. It is essential to
22 resolve jurisdictional disputes between the

1 regulatory agencies promptly. We had a two-
2 year hiatus where EPA and NRC were at
3 loggerheads in trying to decide what the
4 standards would be and what the turf would be,
5 and that should no longer occur.

6 Next, predicting a radiation dose
7 for the period now of a million years in my
8 judgment is meaningless. Basically, you have
9 to exhume the materials to the surface,
10 resuspend the materials, and then do
11 calculations of the ingestion. I was on the
12 NAS Committee that looked at some of the mill
13 tailings. We found a factor of ten to the
14 three between the observed measurements and
15 the predicted values over three decades, over
16 100,000 decades it would be meaningless,
17 similarly, for the diet as to what -- how much
18 tofu or algae or plankton we're going to be
19 eating in the long-term future. And all I'm
20 suggesting is that the standards must be
21 revisited, particularly since the EPA
22 standards apply only to Yucca Mountain.

1 Now it's important to plan,
2 evaluate, and plan some more to avoid this
3 changed-our-mind syndrome which we've suffered
4 from in our country for the disposal of
5 radioactive waste. Deep ocean disposal,
6 shallow open pits, mill tailings, TRU, and now
7 high-level waste, we've changed our mind on
8 what we want to do, so it's important, it's
9 essential to do that.

10 Frequently one invokes the 1957
11 National Academy of Sciences report, but they
12 also said, "Hey, resolve the technical issues
13 before authorizing construction." And, as we
14 know, we've spent anywhere from 10 to 13
15 billion to date on Yucca Mountain.

16 Don't use the screening criteria
17 of selecting five sites where you list the
18 desirable characteristics, narrow it to three,
19 and then to one. As I've said jokingly, that
20 you don't use that in selecting a wife or a
21 husband, and a repository is an equally
22 serious proposition.

1 Congress required a second site to
2 be developed, and DOE decided, and I agreed
3 with DOE, that it would be much easier to
4 request Congress to increase the capacity of
5 the first one because it was exceeding the
6 capacity, than to develop a second repository.
7 Well, since we no longer have a first, we no
8 longer have a second repository.

9 It is essential to look at both
10 the benefits as well as the risks. As you
11 know, the regulatory agencies are strictly
12 enjoined to address the impact on the public
13 health of the proposed activity. There are
14 many other factors to be addressed, such as
15 cost, the benefits, political, social, and
16 other things, such as even patriotism that one
17 point, as you all note, that the disposal of
18 defense transuranic waste, people have a
19 greater level of acceptability of things for
20 the defense of our country than they may have
21 for other activities. We also believe that
22 DOE should publish their planned geographical

1 distribution. If the repository is 100
2 billion, as Nevada was, whether it's one-
3 quarter in the community, and a quarter in the
4 state to get some commitment for that, there
5 are a number of other advantages, eliminating
6 storage costs. It also aids the defense
7 activities and reduces the potential of
8 terrorist attacks, where we have all the spent
9 fuel stored at multiple sites throughout our
10 nation. It increases, if you do this, the
11 probability of utilities authorizing the
12 construction of a new nuclear power plant.

13 Now it's also important to take a
14 look at the radiation relative risks. This
15 slide was developed by the National Commission
16 on Radiation Protection in a report last year.
17 Two points to note from it. Number one, and
18 this is the total population exposure, the
19 medical diagnostic radiation exposure is about
20 a factor of 9,000 greater than that exposed
21 from U.S. nuclear power plants. That by
22 itself is a significant factor. Secondly, in

1 the course of two decades, the astonishing
2 increase in medical radiation exposure went up
3 by a factor of 7.3. Now this is seemingly
4 accepted by the American public, and the
5 reason -- for mammography, for CT scans, for
6 nuclear medicine, and the reason is that
7 people believe that the benefits of early
8 diagnosis of disease outweighs any of the
9 risks associated with that radiation exposure.
10 So it is really important that we address the
11 issue of relative risk in getting a context of
12 a comparison for it.

13 There is an important need for
14 candor and humility on our work. When you
15 tell your own brother, "Let me tell you what's
16 going to happen in the next 10,000 or 100,000
17 years," it's very difficult to convince
18 members of your own family of the validity of
19 your calculations and the analyses. You also
20 find that papers presented at national
21 meetings don't talk about problem areas. They
22 don't say we had this effort, and it was

1 wasted, it was lost. We need a greater amount
2 of candor in our presentations. And, again,
3 as I said, calculations of dose in thousands
4 of years in the future of limited behavior.

5 Now does this mean we should throw
6 up our hands in despair? Heavens, no. Bear
7 in mind that a bucket of arsenic is as toxic
8 today as it was 10,000 years ago, and the
9 toxicity does not diminish with time.
10 However, with radiological decay, it does
11 change.

12 And, in summary, the successful
13 disposal of high-level waste requires more
14 than a determination of the acceptable health
15 risks by a regulator, that you really require
16 actions on the part of elected and appointed
17 officials on both the local, state, and
18 federal level.

19 Secondly, I believe the various
20 benefits must also be quantified, as well as
21 the risks. I realize that they're not always
22 easy to do. They are in different units.

1 Some are in cost. How do you evaluate
2 confidence? For example, I think that EEG's
3 work increased the confidence of the people of
4 New Mexico that it could be done safely, but
5 you have to make such determinations.

6 And, lastly, my personal belief is
7 we don't need to educate the public. What we
8 need to do is to create a climate that all
9 concerns are being fairly addressed, resolved
10 with candor and humility, and decisions made.
11 Most importantly, we need to make decisions
12 and stick with them.

13 One other point I did want to
14 mention, a question was raised before about
15 monitoring. As you know, the area down in
16 WIPP, I'm sure it was pointed out yesterday,
17 had a Plowshare test that vented. This is a
18 peaceful use of a nuclear weapon that vented
19 and had radioactivity in the area. EEG set up
20 a monitoring program to measure the
21 radioactivity from that so that WIPP would not
22 be blamed for measured radioactivity. And

1 that's a very -- and we published the results
2 of that, as we did for all other things, too.
3 Thank you, Mr. Chairman.

4 CHAIR SCOWCROFT: Thank you very
5 much, Mr. Neill. We appreciate it.

6 Next presentation is by Susan
7 Gordon of the Alliance for Nuclear
8 Accountability.

9 MS. GORDON: Good morning. My
10 name is Susan Gordon, and I'm the Director of
11 the Alliance for Nuclear Accountability. And
12 I want to thank the Blue Ribbon Commission for
13 the opportunity to speak to you today, and I
14 especially want to thank Mary Woollen for
15 helping to make that possible.

16 The Alliance for Nuclear
17 Accountability is made up of 36 member
18 organizations, most of whom live directly
19 downwind and downstream from the Department of
20 Energy's nuclear weapons production and waste
21 dump sites. We have been working
22 collaboratively since 1987 before there even

1 was a cleanup program at the Department of
2 Energy.

3 Visible on this map are the major
4 aquifers and rivers across the United States.
5 You can see the largest production facilities
6 in the nuclear weapons complex, all of which
7 are located near major water supplies. The
8 gray dots and outlines indicate Native
9 American tribes and reservations. At one
10 point, there were over 5,100 industrial
11 facilities involved in nuclear weapons
12 production, and approximately 3,900 of those
13 facilities handled radioactive materials and
14 were contaminated.

15 The production of nuclear weapons
16 has produced the largest and most expensive
17 environmental cleanup program in history. The
18 Department of Energy now estimates cleanup
19 costs between 274 and 329 billion dollars, and
20 the cleanup timelines have been extended out
21 to 2062.

22 Approximately 3,750 square miles

1 of land were confiscated for the nuclear
2 weapons production complex sites, leaving
3 behind 75 million cubic meters of contaminated
4 soil and 1.8 billion cubic meters of
5 contaminated groundwater. Also contributing to
6 the environmental contamination are the
7 radioactive releases from the 972 nuclear
8 weapons detonations that occurred within the
9 United States.

10 Everyone who was alive during the
11 `50s and `60s was exposed to radiation as a
12 result of the above-ground nuclear explosions
13 at the Nevada Test Site. If you want more
14 information about your potential exposure, go
15 to the National Cancer Institute website and
16 look for the Iodine-131 study.

17 I'm here to present to the Blue
18 Ribbon Commission our recommendations from the
19 Alliance for Nuclear Accountability. We
20 support hardened on-site storage of spent
21 nuclear fuel at site of generation. We are
22 opposed to reprocessing of spent nuclear fuel.

1 We're opposed to centralized interim storage,
2 and we are also opposed to expanding the
3 mission at WIPP to include commercial waste,
4 which would break agreements made with the
5 State of New Mexico.

6 I thought it would be useful to go
7 over the nuclear weapons waste categories, and
8 I thought it might be fun to just review the
9 top seven. I didn't have 10. I could have
10 had 10, but I chose seven. So uranium mill
11 tailings. As you know, New Mexico has a long
12 and nasty legacy from uranium mining and
13 milling. Low-level waste, there is an
14 estimated 200,000 cubic meters of legacy low-
15 level waste buried in unlined trenches at Area
16 G at Los Alamos National Lab. Greater-than-
17 Class-C Low-Level Radioactive Waste, both WIPP
18 and Los Alamos are being considered as sites
19 for disposal of the Greater-than-Class-C
20 Waste. Mixed-waste, transuranic waste, which,
21 as you know, is now being buried at the Waste
22 Isolation Pilot Plant. The high-level waste,

1 so this includes the reprocessing waste at the
2 Savannah River site, Hanford, Idaho National
3 Lab, and West Valley. And the number one
4 category for today, drum roll, spent nuclear
5 fuel.

6 So one of the things that you can
7 see is -- and this has been mentioned earlier,
8 that the definitions are very complicated and
9 convoluted for different categories of waste,
10 and the agencies that oversee them are varied
11 and have different roles and rules governing
12 what they can do.

13 These next two graphs are put
14 together by the Department of Energy. This
15 graph shows the volumes of waste in each of
16 the categories. So based on the size of this
17 graph, if it was on a regular 8-1/2 by 11
18 sheet of paper, the arrow bar on the left
19 represents the mining and milling waste, and
20 this bar, again, based on the piece of paper,
21 would need to be 11 feet high. Spent fuel from
22 commercial nuclear reactors and research

1 reactors is not shown in these graphs. And
2 please keep in mind that the ANA communities
3 are the ones most impacted by the
4 environmental and health legacy of nuclear
5 weapons production.

6 This graph shows the same
7 categories; however, it is representing the
8 amounts of radioactivity of each waste stream.
9 This time the arrow indicates that the most
10 radioactivity is a result of reprocessing. If
11 this graph were on that same sheet of paper,
12 the arrow would actually be 100 feet tall.
13 So, again, these are the wastes that the ANA
14 communities are living with today.

15 One of our main concerns is that
16 the Blue Ribbon Commission may recommend
17 interim storage and consolidation of spent
18 nuclear fuel. We strongly oppose any
19 recommendation that would create centralized
20 interim storage at one or more DOE sites that
21 would add to the burden that these communities
22 already bear. Our opposition to reprocessing

1 is the legacy of this reprocessing waste,
2 which is dramatically shown here on this
3 graph.

4 The Hanford site, which you have
5 visited, has the largest volume of
6 reprocessing waste. It is at least 10 years
7 behind schedule and \$9 billion over budget in
8 building the waste treatment plant, which is
9 to stabilize the 53 million gallons of waste
10 from reprocessing.

11 In 2009, the Government Accounting
12 Office estimated the cost to treat just
13 Hanford's reprocessing waste could well exceed
14 \$100 billion and take 80 years. None of these
15 estimates takes into account the estimated 1
16 million gallons of leaked reprocessed waste in
17 the soil beneath Hanford's tanks.

18 In a time of fiscal conservatism
19 on Capitol Hill, proposing spending even more
20 billions of dollars on reprocessing, which
21 doesn't solve the problem, will not be a
22 welcome recommendation.

1 So back to that pesky problem of
2 spent nuclear fuel. This graph is a couple of
3 years old, but it shows the trend. We all
4 know as long as nuclear power plants continue
5 to operate, they will continue to produce
6 spent nuclear fuel. The best option for spent
7 fuel is hardened on-site storage, as close to
8 site of generation as possible, which
9 eliminates transportation risks and saves
10 money. Centralized interim storage of spent
11 nuclear fuel does not solve the problem. It
12 increases risk by transporting the material to
13 a temporary site then again to a permanent
14 disposal site, wasting taxpayer money. The
15 only sites immediately available would be the
16 DOE sites already burdened with the
17 environmental legacy of nuclear weapons
18 production.

19 It would be a very bad idea to
20 expand the mission at WIPP to include
21 commercial waste. New Mexico and Department
22 of Energy communities have been told for more

1 than three decades that WIPP is only for
2 transuranic waste. People in the shadows of
3 DOE nuclear weapons sites don't want more
4 broken promises at any DOE site. Expanding
5 the mission at WIPP --

6 (Applause.)

7 MS. GORDON: Expanding the mission
8 at WIPP would make it harder for future
9 repositories because people would rightly
10 distrust legal protections and promises.

11 So just to review ANA's
12 recommendations, we support hardened on-site
13 storage of spent fuel at site of generation
14 which eliminates transportation risks and
15 saves money. No reprocessing of spent nuclear
16 fuel. There is no solution to the millions of
17 gallons of toxic waste that has been generated
18 by reprocessing. No centralized interim
19 storage that will target communities already
20 burdened with nuclear weapons waste, and do
21 not expand the mission at WIPP by breaking
22 agreements with New Mexico, which would make

1 it more difficult to find future disposal
2 sites.

3 So I want to leave you with ANA's
4 principles, which we have developed after
5 working together for 24 years collaboratively
6 on DOE nuclear weapons cleanup issues.
7 Nuclear waste should be stored as safely as
8 possible, as close to site of generation as
9 possible, in a manner that maximizes worker,
10 public, and environmental protection. Cleanup
11 to the most protective standards that prevents
12 harm to the environment and the health and
13 safety of current and thousands of future
14 generations to the maximum extent possible.
15 Compliance with legally enforceable agreements
16 with regulators independent of the Department
17 of Energy to ensure progress and
18 accountability along with the necessary
19 regular and consistent enforcement.

20 Meaningful public participation
21 processes that require early, continuous, and
22 effective public involvement for tribes,

1 states, and the public, and access to all
2 historical and current data relating to the
3 possible health and environmental effects at
4 nuclear weapons sites. Health services for
5 those exposed to radioactive and toxic
6 contamination.

7 MEMBER DOMENICI: Ma'am, your time
8 has expired.

9 MS. GORDON: Thank you. I would
10 like to finish two statements.

11 MEMBER DOMENICI: You -- how much
12 longer do you have, please, ma'am?

13 MS. GORDON: I have two statements
14 to make. Thank you, Mr. Domenici.

15 I listened to the hearing
16 yesterday in Carlsbad, and I wanted to respond
17 and make a couple of points. First, that when
18 communities are truly engaged in cleanup
19 decisions in their neighborhoods, then the
20 cleanup is better and money will be saved.
21 The Fernald site is often held up by DOE as a
22 model example. While we may not like all of

1 the decisions made regarding cleanup at
2 Fernald, we do believe that the community was
3 actively engaged and, therefore, agreed to
4 tough decisions that sent the worst waste
5 offsite, but kept the majority of waste
6 onsite, saving millions of dollars. ANA
7 agrees that the public process engagement that
8 led to the success of the Fernald cleanup is
9 a model and that it should be repeated across
10 the weapons complex.

11 Second, I want to say that I was
12 disturbed listening to the attacks on
13 individuals who raised safety and
14 environmental concerns about WIPP before it
15 opened and continue to raise concerns about
16 its operation now. I truly believe that if
17 those issues had not been raised in the past,
18 and if DOE and the State of New Mexico and
19 other regulators had not been pressured to
20 improve the plans, build in the safety
21 measures, build the bypass around Santa Fe,
22 and meet environmental regulations, the people

1 of Carlsbad, Lea County, and Eddy County would
2 not have been praising the WIPP project but
3 would have been lamenting environmental
4 contamination in their neighborhood.

5 We all should be thankful for the
6 work that concerned New Mexican citizens and
7 Don Hancock, in particular, did to protect us
8 all in the State of New Mexico. Thank you.

9 (Applause.)

10 MEMBER DOMENICI: Thank you.
11 Thank you very much, Susan. We would have
12 given you the time. I wasn't intending to
13 have an argument with you. I was just trying
14 to find out how long you had. Thank you for
15 your statement, appreciate it.

16 Next witness, Neil Weber. Is that
17 correct?

18 MR. WEBER: Yes, sir.

19 MEMBER DOMENICI: From San
20 Ildefonso Pueblo. Thank you for coming today,
21 sir.

22 MR. WEBER: Thank you. Good

1 morning, Mr. Chairman and Commissioners.

2 Thank you for the opportunity to speak before
3 you and give you the perspective of San
4 Ildefonso's view on WIPP.

5 The perspective that I give you is
6 solely that of the Pueblo of San Ildefonso,
7 and keep in mind that -- I'll just wait until
8 the PowerPoint comes up.

9 The perspective that I give you is
10 that of only the Pueblo of San Ildefonso and
11 not of any other tribal community. Keep in
12 mind that there are in excess of 565 federally
13 recognized tribes throughout the nation. They
14 all have their individual views as sovereign
15 nations.

16 MR. FRAZIER: I apologize for the
17 delay. We'll get it in just a second and
18 start you over.

19 MR. WEBER: Okay. Thank you.
20 Just to give you a picture of the location of
21 the Pueblo of San Ildefonso, it's located in
22 North Central New Mexico, and what's unique

1 about the Pueblo of San Ildefonso is that it's
2 the only Native American community that
3 borders upon a national nuclear research
4 facility. In fact, the black outline which I
5 show right here is San Ildefonso's ancestral
6 domain. And tongue in cheek, we say that
7 we're the only Native American community that
8 owns a national nuclear research facility,
9 which is Los Alamos National Laboratory. But
10 we are working as good neighbors and have
11 cooperative agreements.

12 One thing of importance is that
13 San Ildefonso's sacred area, which juts right
14 into Los Alamos National Laboratory and
15 borders directly upon Technical Area 54, which
16 is the WIPP staging area, the WIPP TRU Waste,
17 the staging area for the drums which are
18 eventually shipped to Carlsbad by TRUPact.
19 Unfortunately, you weren't able to view the
20 lands of San Ildefonso, but this will give you
21 an idea of the close proximity that the San
22 Ildefonso sacred area has to Technical Area

1 54. The drums are stored here in white dome-
2 shaped structures which eventually will be
3 torn down, but the common border is right down
4 the middle of the canyon, Canyon del Buey,
5 which borders directly south of the sacred
6 area.

7 What's important about this one
8 shot, it just shows you the prevailing winds
9 from the south-southwest which flow directly
10 onto to San Ildefonso's sacred area, and this
11 causes the Pueblo some concern.

12 The issues we have, as I said,
13 we're a federally recognized tribal nation,
14 and, as such, we are able to work on a
15 government-to-government relationship with the
16 federal government and directly with
17 Department of Energy. And as I mentioned
18 before, that San Ildefonso is the only Native
19 American community that shares a common
20 boundary with a national nuclear research
21 facility, which is Los Alamos National
22 Laboratories.

1 WIPP designated TRU waste is
2 stored at TA-54, and the sacred area is of
3 importance to the tribal members of San
4 Ildefonso because it's used for religious,
5 cultural purposes, hunting, and gathering.
6 And the tribal utilization of natural
7 resources is much different than the outside
8 world. There's a unique utilization, which
9 normal people who perform risk assessments
10 don't take into consideration. And
11 contamination of the natural environment will
12 have a different health effect upon Native
13 American communities.

14 We're also concerned about the
15 potential contamination of our sacred area
16 from any of the wastes that are stored at TA-
17 54, not only are WIPP-destined waste stored
18 there, but there's also a low-level
19 radioactive waste disposal facility. And any
20 level of contamination above background is
21 considered an insult by Native American
22 communities. Probably what's most important,

1 though, is the transportation of nuclear
2 waste, both the timing and the routing and
3 proper notification.

4 Just to give you an example, these
5 are the shipping routes, the truck routes
6 through the area and through San Ildefonso
7 Pueblo. The pink area or the pink outline is
8 the designated shipping route, and the yellow
9 truck route is through sacred area.

10 There was an agreement with the
11 Department of Energy not to ship transuranic
12 waste with the TRUPacts through sacred area.
13 And much to the chagrin of tribal communities,
14 I know Secretary Ines said she -- there were
15 people outside clapping the first day that
16 they shipped waste from Los Alamos to WIPP;
17 however, the truck driver instead of making a
18 right-hand turn, made a lefthand turn and went
19 right through sacred area in violation of the
20 agreement. That's never happened again, thank
21 goodness.

22 There's also an issue that we have

1 with Homeland Security. As you can see, the
2 close proximity that San Ildefonso Pueblo's
3 sacred area has to the waste disposal area and
4 Los Alamos National Laboratory could,
5 possibly, involve infiltration by terrorist
6 activities. And that's never been properly
7 addressed by the federal government to give
8 San Ildefonso proper protection and support.

9 And of concern, also, is that we
10 wanted to make sure that DOE and Los Alamos
11 National Laboratories meets the 2015 deadline
12 of closure of TA-54 and transfer of all stored
13 TRU waste to the WIPP facility. There is
14 concern by the laboratory that there may not
15 be sufficient funding by DOE to meet this
16 deadline. We hope that will come to fruition,
17 though.

18 What we have accomplished, though,
19 throughout the years, that San Ildefonso has
20 developed an excellent working relationship
21 with DOE. We do have a candid and honest
22 dialogue with DOE, with Los Alamos National

1 Laboratories. And even though we may disagree
2 or agree to disagree on topics, we can come to
3 some type of compromise.

4 MEMBER DOMENICI: Are you
5 finished, sir?

6 MR. WEBER: Yes.

7 MEMBER DOMENICI: Thank you very
8 much. Our Chairman will be back shortly. He
9 asked me to proceed. I'm looking at the
10 schedule here. It's time for questions from
11 the Commissioners. Let's start with you,
12 Phil.

13 MEMBER SHARP: Yes. Well, thank
14 you very much for your testimony, folks. Let
15 me address Ms. Gordon first.

16 First, I hope you did not get the
17 impression from any of us that we thought it
18 was not appropriate for citizens and citizen
19 groups to raise tough challenges that needed
20 to be answered and needed to be engaged with,
21 however effectively and sometimes
22 ineffectively that may have been done, because

1 it seems to me it is central to both at the
2 time of any decision process of deciding on
3 where to put stuff and then afterward in terms
4 of monitoring to have mechanisms and ways in
5 which people can raise questions.

6 One of my main concerns has been
7 how do we also help make sure that we can
8 bring scientific information to bear because
9 when, of course, the people managing a project
10 or the federal government, as was the case for
11 many years, claimed to be the sole control of
12 that, that's an insufficient, in my judgment,
13 way to operate, and we need to provide
14 mechanisms at which science can be challenged,
15 as well as political decisions to be
16 challenged. So I do think and share the
17 perspective that citizens have made a major
18 contribution here and elsewhere to push
19 authorities and engage them.

20 Indeed, my sense is, I don't know
21 the history of what happened, is the
22 monitoring system that I mentioned earlier

1 that I was so impressed with came about
2 precisely because citizens and then the state
3 insisted on that being a part of the
4 operation. I could be wrong about that.

5 Let me ask you a question, and I
6 think I understand most of the recommendations
7 that your organization was making. It was not
8 clear to me, and perhaps you just haven't
9 taken a position on this, as to whether you
10 simply uniformly oppose for the foreseeable
11 future any deep geologic disposal. And,
12 partly, I get at the conundrum that I'm sure
13 your organization faces, as we face and the
14 country faces, that we have made in trying to
15 preserve commitments made to the State of
16 Washington and the State of South Carolina and
17 others about what to do with the high-level
18 waste out of the defense establishment, that
19 it would go underground. It was to have gone
20 to, as I understand it, Yucca Mountain. And,
21 at the moment, Yucca Mountain is off the
22 table. Courts and others may bring it back on

1 the table, but I didn't know if your
2 organization had a position about Yucca
3 Mountain or about moving that -- and/or moving
4 that around?

5 MS. GORDON: We did oppose Yucca
6 Mountain based on the lack of scientific
7 credibility for it. I think that Yucca
8 Mountain was really set up to address the
9 spent nuclear fuel from the commercial
10 reactors. And in addressing that waste, we
11 believe that hardened onsite storage at the
12 existing operating reactors is the best
13 solution at this point.

14 We don't have a repository. We do
15 believe that it's an environmental risk and a
16 terrorist risk, and it needs to be addressed
17 quickly. And we believe that hardened onsite
18 storage in dry casks is the way to move
19 forward at this point.

20 We don't have a position on --
21 yes, we support a repository here or there.
22 We just -- there isn't one to support, so we

1 don't really have a position on that.

2 The high-level waste from
3 reprocessing, you know, we do support
4 vitrification. We think that the material
5 should be put in a solid form that is most
6 protective of the environment, so it's not
7 going to leak. And what to do with it once
8 it's in that form, we don't necessarily have
9 a position on that.

10 MEMBER SHARP: I mean, the
11 consequence, not for you, but for the
12 government at this moment is that as we
13 witnessed at both of these facilities where we
14 actually walked on top of after it had been
15 vitrified and put underground in South
16 Carolina and in the State of Washington, is to
17 simply have it stay there as you're suggesting
18 the spent fuel stay at the reactor site.

19 MS. GORDON: Right.

20 MEMBER SHARP: That's where we
21 are. That does, my understanding is, violate
22 the agreements that were made with these

1 states, that it would be -- try to move it out
2 of there, but that's -- I'm not asking you to
3 solve that problem.

4 MS. GORDON: Yes. I wish I was
5 the State of South Carolina.

6 MEMBER SHARP: Although I would
7 say that this illustrates the fact that we do
8 need to find answers to some of these things
9 within a reasonable period of time after we do
10 the scientific work.

11 Let me turn to Mr. Weber for a
12 moment. I was a little unclear as to whether
13 you and various tribes now find you have a
14 good relationship with WIPP and it works,
15 except for that offensive left turn of the
16 driver. My impression is that you have an
17 agreement with the federal government on this
18 and that that works, and this is ongoing. I'm
19 trying to find out whether you people are in
20 opposition to WIPP at this point, or what's
21 the relationship?

22 MR. WEBER: We're not in

1 opposition to WIPP, as long as the materials
2 are transferred out of Los Alamos to WIPP.
3 The biggest concern is the storage and
4 disposal of any radioactive material so close
5 to the Pueblo itself.

6 We do have good notification on
7 the shipments. In fact, they've been quite
8 honest with us to tell us when the shipments
9 are going through tribal lands and will halt
10 any shipments during various religious and
11 cultural activities, such as feast days,
12 dances that are held on the Pueblo, because
13 that would be an insult. And, also, the
14 potential for an accident to occur during that
15 period of time.

16 We also have some funding from DOE
17 to operate emergency response capabilities, so
18 WIPP is a good alternative for disposal of the
19 waste from Los Alamos.

20 MEMBER SHARP: I mean, because,
21 again, looking at this as an example, if we
22 should recommend either a long-term temporary

1 storage, and/or -- certainly are going to
2 recommend, I can't believe we won't, an
3 ultimate disposal path that we ought to get on
4 at some point in this country. This sounds to
5 me like we have evidence that there are
6 techniques we can develop of how to engage
7 tribes, how to engage local communities that
8 provide some model for us where you can work
9 out and not have everybody in opposition.

10 MR. WEBER: I believe one of the
11 individuals on your next panel probably could
12 address that beyond San Ildefonso because he's
13 had the opportunity to work with numerous
14 tribal communities throughout New Mexico.

15 MEMBER SHARP: Thank you very
16 much.

17 MEMBER DOMENICI: Commissioner.

18 MEMBER AYERS: Yes. Thank you,
19 Senator.

20 You know, in the past couple of
21 days since we've been in New Mexico, rarely is
22 workforce health and safety mentioned, as we

1 hear of all the other critical processes and
2 agencies that are involved in the process.

3 And I guess, initially, I want to make a
4 statement. It should be a component of
5 community acceptance, and maybe it has been,
6 but I just haven't heard too much about that.

7 Quite frankly, a good job needs to
8 be a safe job. Now there are state and
9 federal occupational safety and health
10 agencies involved with, for example, the WIPP
11 project, but their roles at WIPP seem to have
12 been somewhat minimal, at least, again, from
13 what I've observed and what I've heard. If my
14 observations are with foundation, then I think
15 it's time, as we move forward, to correct this
16 important oversight. But I will say that I'm
17 very impressed with the safety and the
18 performance record at WIPP. So I don't know
19 if, Mr. Martin or Mr. Neill, either of you
20 could comment on that.

21 MR. NEILL: Mr. Chairman, there
22 are a number of other regulatory agencies

1 involved in WIPP. For example, the carbon-
2 steel drum that the contact-handled
3 transuranic waste is stored in, that's a DOT
4 Type A drum, in which the lid must stay on for
5 a three-foot drop test. WIPP also conforms,
6 although, I guess, really Dr. Triay might even
7 comment on this, conforms to the requirements
8 of OSHA and of MSHA in terms of the
9 occupational radiation exposure. And, of
10 course, EPA has had to certify, not approve
11 but certify, that WIPP complies with the EPA
12 Standards 40 CFR 191.

13 MEMBER DOMENICI: Mr. Secretary,
14 did you want to comment?

15 SEC. MARTIN: Well, my only
16 comment is when we visited the site, we
17 received quite a bit of assurance about worker
18 safety. And, really, the best person to
19 address that issue might be the site operator.
20 I don't know if you'd want to hear from him at
21 this time or not, but I know he's in the
22 audience.

1 MEMBER DOMENICI: We thank you
2 very much. Is that adequate, sir? All right,
3 next. Vicky.

4 MEMBER BAILEY: All right. Thank
5 you, and I want to thank the panel, as well.

6 I wanted to go back to Ms. Gordon
7 and just kind of continue something you were
8 talking about with Congressman Sharp, this
9 issue of leaving it on site. One of my
10 concerns has been some of the legacy sites and
11 the decommissioned sites where these dry casks
12 are. My concern is if I leave them in these
13 communities, which is basically taking up land
14 and property that could be used in other ways.
15 I didn't know if your group had taken a
16 position on that. I just wanted to be clear
17 about that. That's all.

18 MS. GORDON: The example that I
19 gave of the Fernald site, which was cleaned
20 up, it's in Ohio, 90 percent of the waste that
21 was generated at the Fernald site has been
22 left there in three large disposal cells. And

1 the community made that decision, because,
2 well, first, they got an agreement that the
3 most hot waste would be shipped off site, and
4 that happened. But they recognized that the
5 land and the property there was already
6 contaminated, and they could not agree to ship
7 their waste to somebody else's backyard that
8 was not contaminated. And I think that that's
9 something that needs to be considered, as
10 we're looking at waste.

11 One of the community concerns
12 around Yucca Mountain was, it was a pristine
13 location. There was no radioactive anything
14 there, so it really was confiscating land that
15 didn't -- wasn't contaminated. So, keeping
16 the material as safely as possible as close to
17 site of generation as possible keeps it in
18 communities that agree to have it there to
19 start with, bear responsibility for containing
20 it in the future, and limits the risk for
21 other communities through transportation or
22 other processes that might happen to that

1 material.

2 MEMBER BAILEY: That's an
3 interesting characterization. I was actually
4 thinking of the Maine Yankee area, and areas
5 where they would like to have that property
6 for other economic development, as well. So,
7 I think you and I probably have a little
8 different view on some of these sites. My
9 thought isn't that well, it's there, so you're
10 stuck with it, and deal with it. I think we
11 have a responsibility, I guess, to move these
12 maybe to more centralized areas, interim
13 areas, and I think we can look at diversified
14 areas, not just in one state would have the
15 risk or the benefit, but possibly there might
16 be other locations and other locales who would
17 welcome such a thing, and be a volunteer or
18 host site, is where my thinking is going.

19 But let me move to Mr. Neill. Can
20 you just give us some information, your views
21 on the Environmental Evaluation Group? I
22 think this is something that DOE had set up,

1 and you might have some views on this, whether
2 or not the evolution of the institutional home
3 for the EEG should be partnered maybe with an
4 academic institution, maybe a private
5 organization. What are your thoughts on that?

6 MR. NEILL: Yes. Of course, I
7 believe passionately in the importance of an
8 independent state technical review, and would
9 urge that it be done, that the Commission make
10 such a strong recommendation for any future
11 repository, regardless of where it's located.

12 When I started EEG, and I met with
13 the Deputy Secretary, Jack O'Leary, he said to
14 me, "You know, I'm going to ask you for a
15 favor, that if any of my people do not
16 cooperate fully with you, I'm going to ask you
17 for the favor to call me first before you call
18 the press, because I'm committed to having
19 this project move ahead successfully, and have
20 this -- we're confident that an independent
21 technical review will work out okay."

22 I have been appalled by some other

1 states, which shall go nameless, where reports
2 that they issued by the state were approved by
3 the DOE in another instance where reports that
4 an independent so-called review group had to
5 have their distribution list approved by a DOE
6 official. Hard to believe, but this is what
7 I've been informed. So, it is essential to be
8 able to do this work independently in order to
9 maintain credibility with the public. And I
10 could go on all afternoon on that, but the
11 material that I've presented, I think,
12 substantiates that belief. Thank you.

13 MEMBER SHARP: Can I just --

14 MEMBER BAILEY: Go ahead.

15 MEMBER SHARP: In your -- you
16 started out by saying that there should be a
17 state independent. I didn't know whether you
18 meant that is something that's approved by the
19 state government, or are you saying -- I guess
20 you would have said it's independent of both
21 the federal government and the state
22 government, or not. I'm not sure what you

1 were telling --

2 MR. NEILL: Yes, let me make that
3 clear. The review should be a technical
4 review, and if you have confidence enough in
5 the technical people, they should publish
6 those reports.

7 At one point, when a member of the
8 legislature in New Mexico was unhappy with
9 some of our reports, he wanted to introduce a
10 resolution that our reports would have to be
11 approved by the President of New Mexico Tech.
12 The President of Tech said, "Look, if you do
13 this, I'm not going to keep that contract.
14 Forget it." And it was another step in
15 insuring the independence of it.

16 Now, in all candor, it may well be
17 in the future that a governor, or a state
18 government may not want a totally independent
19 group, and that's part of the political
20 process. I know at times there were different
21 people didn't like what we published. This is
22 on the pro side, or on the anti side, but as

1 you well know as members of the Commission,
2 whatever you come up with is not going to be
3 unanimously endorsed by all sectors of the
4 environment. And that goes with the
5 territory, and that's what they pay us for.
6 And that's why I really want to commend each
7 of you for tackling this difficult task of
8 helping to ensure that America can meet the
9 energy needs in the future, not so much long-
10 term either. Nuclear energy, clearly, is
11 going to have to be part of that requirement
12 to meet that demand.

13 MEMBER BAILEY: Thank you.

14 MEMBER PETERSON: Could I follow
15 on just quickly with a follow-up, and then I
16 have my own questions, which is on the civil
17 radioactive waste side, we have a Nuclear
18 Waste Technical Review Board that was
19 established under the Nuclear Waste Policy
20 Act. Could you comment on your thoughts about
21 how it's structured, and the role it plays?
22 And then, given that there's not a

1 corresponding national independent oversight
2 scientific review on the defense side, and,
3 instead it's been delegated to the states,
4 would we want both state and WOTRB or NWTRB
5 members appointed by state governors, or how
6 might one do that on the civil waste side?

7 MR. NEILL: I'm not quite sure,
8 Dr. Peterson, that the answer I'd give today
9 would be the same next year. The bottom line
10 is this. To date, we have been unsuccessful
11 in our ability to dispose of high-level waste.
12 It's been a failure. And there have been a
13 number of things that we've tried to do
14 unsuccessfully. Certainly, the appointment of
15 a Nuclear Waste Technical Review Board, I
16 think, is an excellent effort, and we keep
17 trying different things.

18 Certainly, Congress set up, for
19 example, the system where they assigned roles
20 to the three federal agencies, EPA to set the
21 standards, NRC to implement the standards, and
22 DOE to demonstrate to the NRC that they can

1 comply with them. And now we have seemingly
2 abandoned this process in the middle of it,
3 after expending close to \$13 billion. So,
4 there, obviously, are -- we need to do
5 something better, and that's why I commend
6 this Commission in their efforts to try to
7 identify different approaches and
8 alternatives.

9 I don't think there's any one
10 simple answer. And I think that the success
11 of this program is going to be contingent upon
12 a number of different groups, including
13 industry, the Congress, the state, the local
14 communities, and others as well. But I think
15 that we certainly can do it, and make
16 decisions, and make them stick, and not
17 abandon them in mid-course.

18 MEMBER PETERSON: Thank you.

19 MS. GORDON: I wanted to say that
20 for the nuclear weapons programs, there is an
21 independent scientific committee which is
22 called JASON. I no longer remember what JASON

1 stood for, but JASON is out there. And there
2 have been a number of technical questions that
3 have been put to them around the nuclear
4 weapons program, and I think that they are
5 very credible in terms of their independence,
6 and the way they come up with answers.

7 MEMBER PETERSON: Susan, could you
8 follow also, because there's also the Defense
9 Nuclear Facilities --

10 MS. GORDON: Safety Board.

11 MEMBER PETERSON: -- Safety Board.
12 What's your thought on them?

13 MS. GORDON: We think that they've
14 done a pretty good job. I think that they
15 have raised a number of technical concerns
16 that -- they've made those recommendations,
17 for instance, to Los Alamos National Lab.
18 Some of them have been addressed, and
19 sometimes the Lab says, well, we don't really
20 have to do that. So, I think that there is an
21 implementation aspect in thinking about an
22 independent, scientific, credible committee

1 that makes recommendations, but what happens
2 with those recommendations if they're not
3 followed?

4 MEMBER PETERSON: I understand.
5 So, the next question I have relates to,
6 again, some things that have been done within
7 WIPP Program that differ from what we've done
8 on the civil side. And I think learning from
9 best practice is very important. It also
10 struck Commissioner Sharp, the fact that you
11 have this extensive monitoring program, and
12 all nuclear facilities that operate in the
13 United States are required to monitor air,
14 water, and soil, and to report the data
15 publicly.

16 The thing I found very intriguing
17 is that with WIPP, one also provides the
18 ability to monitor people, where you can -- to
19 very, very, very accurate levels,
20 extraordinarily small concentrations of
21 radioactive material, determine if you want,
22 if you're a member of the public what is --

1 how radioactive are you? What is the
2 inventory of radioactive material from all
3 different sources in your body? Have you been
4 exposed? Are you carrying a burden from, say,
5 the operation of the facility? That seems to
6 be a unique and valuable thing to be doing.

7 The other one, which is actually
8 related to it, is the requirement for a
9 periodic recertification or re-permitting of
10 the facility every five years by the EPA,
11 every ten years by the state. And this is
12 also something I don't believe is mirrored on
13 the civil radioactive waste management side.
14 But I guess my question for the panel is, in
15 particular, the recertification, how helpful
16 is that in terms of, perhaps, increasing
17 confidence that the facility will be operated
18 safely, and will continue -- is likely to meet
19 the performance standards that it's supposed
20 to over the longer term, because it's
21 something that one might want to actually
22 adopt, also, for the civil side.

1 MR. NEILL: I think it's essential
2 that we provide monitoring networks for this.
3 In 1958, I started a publication called
4 "Radiological Health Data," which is a
5 compilation of environmental measurements by
6 all the various federal agencies. This is
7 when I was in the Public Health Service. It
8 was a time when there was enormous
9 apprehension about radioactive fallout, the
10 effects of strontium-90 in milk, radioiodine-
11 131 in milk in Salt Lake and St. Louis and
12 various communities, and I think the
13 publication each month of a conscientious
14 compilation of all the measurements of the
15 various agencies went a long way in assuring
16 the public that we're not hiding stuff.

17 Prior to that time, you had
18 concepts like a picocurie of strontium-90 per
19 gram of calcium was called a "sunshine unit."
20 All of that went out the window in this effort
21 to be open and candid with the public. And I
22 think that is also really essential. What is

1 going on in Carlsbad on the whole body
2 measurements is an excellent effort to
3 reassure people of what their potential or
4 their actual exposures are.

5 MS. GORDON: I think that it's
6 been beneficial to have the permit review
7 process, to have community groups and
8 advocates involved in that process. So, I do
9 think that that would be a good way to
10 recommend moving forward when you're looking
11 at commercial waste disposal.

12 SEC. MARTIN: The state would also
13 agree with that. It gives an opportunity for
14 all concerned parties to be part of the
15 process, adds credibility, and it should be
16 considered, I believe.

17 MEMBER DOMENICI: Mr. Chairman,
18 I'm just going to comment on that last
19 question, if I might, for the Commission. It
20 seems to me, a question has been raised as to
21 whether we should recommend a continuation of
22 the certification process that we have, and I

1 would just suggest that before we answer that,
2 that we get from the Department more
3 information. How long does it take for that
4 certification? How much do we spend? What
5 has it accomplished in terms of tangible
6 results? It could be that you need them, but
7 maybe every 10 years, instead of every five.
8 Just because we started it at five, and are
9 doing it, doesn't mean that it's a good thing.

10 I can tell you, I know it costs a
11 lot of money, and I know it takes a lot of
12 people from their other jobs to do it here in
13 New Mexico. And I think we should just look
14 at that, maybe five is right, maybe it isn't.
15 I think raising it is correct, because we
16 don't know enough about it.

17 MEMBER SHARP: Mr. Chairman, I
18 certainly agree we want to know more. I think
19 what has not been mentioned is one of its key
20 functions, is not simply the capacity of the
21 state, or citizens' groups, or others to ask
22 questions and what not, but it is the fact

1 that I think it is one of the devices for
2 keeping the people running the operation
3 accountable. In other words, if they know
4 they're at risk of being disciplined, most of
5 us behave a little better when we are in that
6 position.

7 MEMBER DOMENICI: You bet.

8 MEMBER SHARP: Not as successful
9 with my own children, but that's -- but the
10 point is, I must admit that my impression is
11 there are a lot of children among us adults.

12 MEMBER PETERSON: I have one
13 additional question, and I want to direct it,
14 again, Susan, to you.

15 In many dimensions when we're
16 looking at nuclear systems, the risks and
17 hazards, there are difficult policy questions
18 where you really are facing a conundrum. I
19 think that, for example, Vicky, Commissioner
20 Bailey hit on one of these, which is the
21 question of what is the right thing to do with
22 the spent fuel that's currently stored at the

1 shutdown reactor sites? What's appropriate?

2 Also, recognizing that it's fairly
3 clear if you look at the legal dimensions that
4 the most rapid way you could come into
5 compliance with the contracts with utilities,
6 and reduce the very, very large drain on
7 taxpayer revenues would be to begin moving
8 spent fuel from decommissioned reactor sites
9 to some centralized storage, so there's a
10 balance of many different considerations.

11 It's not -- it's not nearly as easy a decision
12 as what's the logical thing to do technically
13 and physically with fuel that's at operating
14 reactor sites, for example.

15 There's another one I just wanted
16 to explore with you, which relates to
17 statutory capacity limits on facilities. And,
18 in particular, the Waste Isolation Pilot Plant
19 has also a capacity limit. I believe that it
20 is possible that it might be exceeded if one
21 were to actually go through the process of
22 disposing of all the transuranic contaminated

1 waste that could be generated in the complex
2 in the future.

3 Now, there's two things that could
4 -- two activities that could continue to
5 generate waste that could take you past that
6 limit. One is the decommissioning of nuclear
7 weapons. And then, of course, the other is
8 production or maintenance of nuclear weapons
9 so they can continue to be used. And what I'd
10 like to know is, what would be your -- what
11 you think your position would be with regard
12 to the question of continued operation of a
13 facility like WIPP? And I would expect that
14 it's probably tied to the source of
15 generation, or would you say we should just
16 stop WIPP and do something else, leave those
17 wastes in some place instead of disposing
18 them?

19 MS. GORDON: My understanding is
20 that WIPP was designated for TRU waste only,
21 and that's what I think, you know, it should
22 complete its life cycle, and that's what it

1 should be used for. So, the idea of expanding
2 WIPP's capacity to accept spent nuclear fuel
3 from commercial facilities is not acceptable
4 to us.

5 MEMBER PETERSON: But I'm trying
6 to push you on this other question of the fact
7 that the decommissioning of nuclear weapons
8 will continue to produce transuranic-
9 contaminated waste. So, it is possible that
10 you do need -- you would want to, there would
11 be reasons to expand the mission from the
12 perspective of quantities of transuranic waste
13 greater than what the statutory limit permits.
14 Right?

15 So, again, this is sort of a
16 difficult question. I'm curious how your
17 group would tackle that.

18 MEMBER DOMENICI: Before you
19 answer that, could I just clarify? You're
20 saying, you're not changing the quality of the
21 waste. You're just saying more transuranic
22 than is currently limited. That's the

1 question. Right?

2 MS. GORDON: I don't have an up-
3 and-down, yes-or-no answer to it. I'm thinking
4 about the decommissioning of the warheads, and
5 it's not clear to me immediately where the
6 transuranic waste would be coming from in that
7 process. Is there transuranic waste that is
8 coming from the Pantex facility that is going
9 to WIPP right now as a result of
10 decommissioning of warheads?

11 MEMBER PETERSON: There would be,
12 in the processes associated with converting
13 the pits into a form that's suitable for
14 permanent -- some type of disposition of the
15 plutonium, those processes. They may not be
16 occurring at Pantex. I think that the pit-
17 conversion processes most likely would be
18 occurring at Savannah River, so that would be
19 the principal source of origin for transuranic
20 waste generated by the continuing
21 decommissioning of nuclear weapons.

22 MS. GORDON: I don't have an

1 answer.

2 MEMBER DOMENICI: I think we're
3 getting close. Were there any other questions
4 by Commissioners? Our Chairman is back. Did
5 you have any? I'm going to turn it back over
6 to you, anyway, now at this point.

7 CHAIR SCOWCROFT: If there are no
8 more questions, I want to thank the panel for
9 a fascinating and very educational experience.
10 Thank you very much.

11 We will be recessed for 15
12 minutes, and reconvene at 11:00.

13 (Whereupon, the proceedings went
14 off the record at 10:48 a.m., and went back on
15 the record at 11:00 a.m.)

16 CHAIR SCOWCROFT: All right. If
17 everyone would please be seated so we can
18 get started. Okay. Thank you very much.

19 Our next panel is on
20 transportation and the National TRU Program.
21 We're pleased to have with us Mr. Alex
22 Schroeder of the Western Governors

1 Association, Mr. Bill Mackie from the
2 Department of Energy at Carlsbad, and Mr. J.R.
3 Stroble, the Carlsbad Office of the National
4 TRU Program. Mr. Schroeder, you may begin.

5 MR. SCHROEDER: Thank you,
6 Chairman. On behalf of the Governors, I'd
7 like to thank the Chairman and the esteemed
8 members of this Commission for the opportunity
9 to discuss the Western Governors' experience
10 with the Waste Isolation Pilot Plant
11 Transportation Safety Program. I am the
12 Program Director with the Western Governors
13 Association for Radioactive Waste
14 Transportation. The Western Governors
15 Association represents the governors of 19
16 western states and three U.S. Pacific flag
17 islands.

18 Western Governors has been working
19 together for over 100 years to promote values
20 of the region. They're united by issues that
21 transcend partisan lines. Their history of
22 regional achievement is marked by commitment

1 to finding common ground, which often involves
2 working with our federal partners.

3 With that shared understanding,
4 the Western Governors have developed
5 bipartisan policies on a number of topics that
6 this Commission will be considering.

7 Specifically to WIPP, the Governors have a
8 Memorandum of Agreement with the Secretary of
9 Energy, and we also have a longstanding
10 agreement with our colleagues on the podium at
11 the Department of Energy Carlsbad Field
12 Office.

13 So, today I'd like to provide the
14 Commission with a brief overview of the
15 western regional effort to develop the WIPP
16 Transportation Safety Program, some successes
17 and lessons learned, and also how this
18 experience relates back to your task of making
19 recommendations towards the management of
20 nuclear spent fuel and high-level waste.

21 So, the Western Governors have
22 long recognized that transportation corridor

1 states have the responsibility for ensuring
2 the safety of their residents and for
3 responding to any incident which might occur
4 during the transportation of nuclear waste.

5 As far back as 1986, the western
6 states, through the Western Interstate Energy
7 Board, began discussions with the Department
8 of Energy to plan for shipments of transuranic
9 waste. In 1988 and 1981, WGA, through
10 cooperative agreements with the U.S.

11 Department of Transportation and the U.S.
12 Department of Energy, submitted reports to
13 Congress outlining state expectations for the
14 elements of a safe transportation program.

15 The report called attention to
16 unique attributes in the western states, such
17 as long distances between population centers,
18 and mountainous areas where conditions can
19 quickly deteriorate in both the summer and
20 winter seasons. The report noted the public's
21 general lack of trust in government to safely
22 transport radioactive waste and called for all

1 levels of government to actively work to
2 prevent accidents, but also to be ready to
3 respond even with the slightest mishap.

4 With these things in mind, the
5 report identified accident prevention,
6 emergency preparedness and public involvement
7 information, medical preparedness and routing
8 as critical components for WIPP in inter-site
9 shipments of transuranic waste. Perhaps most
10 significantly, the 1991 report to Congress
11 noted that "a highly volatile polarized debate
12 between the states and the Department of
13 Energy had transferred into a working
14 partnership." And that goes back to the
15 Assistant Secretary's remarks earlier. It's
16 really been a great story of success between
17 the states and the federal government working
18 together, and just the transformation that
19 occurred between 1988 and 1991 was very
20 substantial.

21 So, working from these reports to
22 Congress as the foundation, the western states

1 set out to work with DOE to continue to
2 implement and formalize the protocols in what
3 would become the WIPP Transportation Safety
4 Program Implementation Guide. The WIPP guide
5 is still used today, and is the basis for
6 DOE's transportation plan for WIPP shipments,
7 for its carrier management plans, for state
8 implementation programs, and similar programs
9 in the southern and Midwestern states.

10 The procedures in the WIPP guide
11 are tested nearly every day, and the results
12 can be seen in over more than 9,000 shipments
13 that have been successfully completed. There
14 have been a few minor accidents involving
15 these shipments, but no accident has resulted
16 in a release of radioactive materials. That's
17 not to say the more serious accidents can't or
18 won't happen, but the safety record speaks for
19 itself. So, I'm providing this background
20 information because it really outlines the
21 process the Western Governors advocate for
22 when working with their federal partners in

1 developing safe transportation programs.

2 As this Commission has likely
3 heard before, public trust of government
4 officials typically increases with proximity.
5 And building from the WIPP experience, one of
6 the keys of success to the Transportation
7 Safety Program was that the federal government
8 sought the input of states both early and
9 often. The states, in turn, engaged their
10 local officials. It's noteworthy that
11 substantive discussions happened between the
12 states and the Department of Energy 13 years
13 before the first shipment arrived at WIPP, and
14 DOE should be commended for its early
15 commitment to reaching out to the states and
16 tribes as the WIPP Transportation Safety
17 Program was being developed.

18 This point directly ties into my
19 second observation, which is: the regional
20 planning process that WGA employed works. The
21 collaborative problem-solving that is
22 encouraged by a regional approach produces a

1 diversity of ideas and also fosters broad
2 support towards streamlined expectations and
3 procedures. In doing so, the regional process
4 builds a valuable network of communications
5 and trust that can only be gained through
6 personal interaction.

7 We had a recent WGA meeting with
8 our Transportation Technical Advisory Group in
9 San Francisco in October, and we had a Lessons
10 Learned panel regarding a new WIPP shipment
11 route that had opened through California and
12 Nevada. One of the key conclusions of that
13 meeting was that coordination and preparation
14 for these shipments were greatly enhanced by
15 the close working relationships that have
16 developed among state representatives since
17 the late `80s through the WGA WIPP Technical
18 Advisory Group.

19 The third element that I'd stress
20 to the success of the WIPP Transportation
21 Program is continued vigilance and support.
22 The program currently in place between the

1 Western Governors and Secretary of Energy
2 signals support for the program at the highest
3 level of government.

4 So, what does this mean to your
5 task? The success of WIPP Transportation
6 Program provides a number of parallels that
7 may be applied to a campaign for transporting
8 our country's spent nuclear fuel and high-
9 level waste. The Western Governors firmly
10 believe that the WIPP experience should be the
11 template used when planning efforts for spent
12 fuel and high-level waste are contemplated.

13 The contrast that results by
14 straying from this approach is evident in the
15 difficulty that the DOE Office of Civilian
16 Radioactive Waste Management had in gaining
17 public trust and acceptance of its
18 transportation efforts.

19 The WIPP Transportation Safety
20 Program was designed with the explicit
21 interest of being extra-regulatory. As the MOA
22 between the Western Governors and Secretary

1 Chu states, "Many of the procedures are above
2 the minimum federal regulatory requirements,
3 but were employed to achieve a high level of
4 safety and shipment success."

5 The correlation between these
6 extra-regulatory measures and success leads
7 the governors to their policy position that
8 the WIPP Transportation Guide should serve as
9 the base document for future efforts in
10 developing high-visibility shipment campaigns.
11 At the same time, I'd be remiss to not point
12 out key differences between the WIPP protocols
13 and what this Commission will be considering.

14 For example, the involvement of
15 commercial interests introduces a layer of
16 complexity that was not addressed in WIPP,
17 because shipments occurred between DOE sites.
18 The prospects of shipments by rail also
19 introduces a number of issues that potentially
20 limit the implementation of several of the
21 WIPP protocols as they currently exist.

22 During the period in which

1 shipments to WIPP were considered -- rail
2 shipments to WIPP were considered, the states
3 encountered strong resistance from at least
4 some rail carriers for working cooperatively
5 with the states in developing specific
6 procedures and protocols. This indicated the
7 need for the federal government to build
8 specific conditions within its rail contracts
9 to ensure that state concerns are addressed.

10 Finally, WIPP funding from DOE to
11 the states has created a national network of
12 transportation experts and trained responders
13 that will facilitate future planning and
14 implementation efforts. Last May, the
15 Department of Energy began hosting a National
16 Transportation Stakeholders Forum to provide
17 an opportunity for states and affected tribes
18 to meet with federal officials responsible for
19 various aspects of radio or hazardous
20 materials transportation.

21 So, in conclusion, I would offer
22 that the success of the WIPP Program, as we've

1 all heard over the last two days, is really a
2 tribute to officials from all levels of
3 government working together both early and
4 often. WGA would recommend that the
5 transportation safety issues be integral to
6 this Commission's recommendations in any
7 decision for the temporary or permanent
8 dispositioning of radioactive materials and
9 not an afterthought.

10 The impact of the transformation
11 of the state-federal relationship that was
12 described in the 1991 report to Congress can,
13 and should not be understated. And as the
14 Western Governors expressed in their May 24th
15 letter to Secretary Chu, it will be critical
16 for this Commission to adequately define the
17 role of the states in any Commission
18 recommendations, so as not to undermine their
19 effectiveness and public's acceptability.

20 So, with that, I'd like to thank
21 you for the opportunity. And I assume we'll
22 take questions after the presenters?

1 CHAIR SCOWCROFT: Yes.

2 MR. SCHROEDER: Okay. Thank you.

3 CHAIR SCOWCROFT: Thank you very
4 much, Mr. Schroeder.

5 (Applause.)

6 CHAIR SCOWCROFT: Mr. Mackie.

7 MR. MACKIE: General Scowcroft,
8 Senator Domenici, members of the Blue Ribbon
9 Commission, my name is Bill Mackie. I am the
10 Institutional Affairs Manager for the Carlsbad
11 Field Office in Carlsbad, New Mexico.

12 Throughout the last few days,
13 you've heard the WIPP guide, or the program
14 implementation guide referred to a number of
15 times as one of the major set of regulations
16 that we follow when we transport transuranic
17 waste. I would like to spend some time with
18 you this morning talking about the
19 Institutional Affairs Program and how it
20 interacts with these different stakeholder
21 groups in the transportation of waste.

22 The Institutional Affairs Program

1 was established to facilitate communications
2 between the Department of Energy Carlsbad
3 Field Office and stakeholders, so that support
4 could be gained during the development of the
5 Transportation Program for the shipment of
6 transuranic waste to and from the Waste
7 Isolation Pilot Plant.

8 Recognizing that corridor states
9 had the responsibility for ensuring the safety
10 of their residents and for responding to any
11 incident which might occur, stakeholders have
12 unanimously adopted several policy resolutions
13 to address the safety of the WIPP shipments.
14 Among these are policy resolutions on routing,
15 training, emergency management response, the
16 safe and uneventful transportation of TRU
17 waste through accident prevention and public
18 information. These policy resolutions have
19 been accumulated into a guide, which Mr.
20 Schroeder referred to, which is used by both
21 Carlsbad Field Office and corridor states
22 throughout the country when transporting

1 radioactive waste from generator sites to the
2 Waste Isolation Pilot Plant.

3 One of the most important aspects
4 of the Institutional Affairs Program was the
5 negotiation with corridor states to develop
6 acceptable routes. When the program was being
7 developed, the Carlsbad Field Office agreed
8 that all transuranic waste shipments would be
9 treated as highway route controlled quantity
10 shipments, and would meet the requirements set
11 forth in the guidelines for selecting
12 preferred highway routes, for highway route
13 controlled shipments of radioactive material.

14 These requirements include the
15 state selecting routes to minimize
16 radiological risks, and selections must be
17 preceded by substantive consultation of all
18 impacts and continuities of designated routes.
19 Additionally, the state routing agency may
20 designate preferred routes as an alternative
21 to, or in addition to, one or more Interstate-
22 System highways. Once the state routing

1 agencies designate a route for the
2 transportation of highway route controlled
3 quantity shipments of radioactive material, it
4 becomes effective only when the state gives
5 written notice to the Federal Motor Carrier
6 Safety Administration, and receipt thereof is
7 acknowledged in writing by the administration.

8 It should be noted that only
9 loaded shipments are required to utilize
10 designated routes. Empty shipments are
11 treated as any other commercial vehicle on the
12 highway, and are authorized to travel on any
13 acceptable route, as long as the Carlsbad
14 Field Office has been consulted and has
15 provided approval of the use of that route.

16 A second important aspect of the
17 program is the provision of technical
18 assistance and funds to train public safety
19 officials and other emergency responders in
20 any state or Indian tribe through whose
21 jurisdiction TRU waste is transported to or
22 from the WIPP. WIPP, through its management

1 and operations contractor, provides the
2 following training to these public safety
3 officials and emergency responders: Modular
4 Emergency Response Radiological Transportation
5 Training. We refer to that as MERRTT
6 training, and MERRTT training is the only
7 course that has been approved by OSHA to be
8 presented. That is a requirement from the
9 Land Withdrawal Act. Incident Command Systems
10 training, medical examiner or coroner
11 procedures training, and a Hospital Emergency
12 Room Management of Radiation and Other
13 Hazardous Material Accidents course.

14 Since the beginning of the
15 program, WIPP has trained a total of 29,769
16 public officials and emergency responders. As
17 part of this training, emergency management
18 personnel -- ensure that they have done
19 advanced planning, and exercising of emergency
20 response plans to ensure all key response
21 actions and responsibilities are covered.

22 Although each state along the

1 shipping corridors takes its own individual
2 approach to Transportation Emergency Response
3 Planning, all plans are tested periodically
4 during full-scale exercises hosted by the
5 Department of Energy.

6 Undoubtedly, the success of the
7 safe transportation of this program is
8 attributed to the Commercial Vehicle Safety
9 Alliance, North American Standard Inspection
10 Program, whose goal is to provide an enhanced
11 inspection program for highway route
12 controlled quantity radiologic material
13 shipments. The foundations for these
14 inspections are rigid inspection standards and
15 safeguards. And in order to pass these
16 inspections, the tractor trailer must be
17 defect-free of Level VI inspection items at
18 the point of origin and must undergo Level VI
19 inspections en route, if required by local
20 Commercial Vehicle Safety Enforcement
21 personnel in the various corridor states.

22 Lastly, the program would not be

1 successful without a public information
2 program. The Carlsbad Field Office provides
3 informational briefings and road shows to
4 state, local, and tribal elected officials and
5 stakeholders on the transportation of
6 transuranic waste. They maintain liaison with
7 all officials through whose jurisdiction TRU
8 waste is transported, and are available to
9 answer questions whenever they arise.

10 Prior to concluding, I would like
11 to address the tribal program. I am also the
12 Tribal Liaison Officer, and I liaison with
13 about nine different tribes throughout the
14 country. San Ildefonso is one of them. I am
15 in constant contact with these tribal people
16 through their Emergency Management Department.
17 I am available to answer their questions. I am
18 available to provide them training, if they
19 need it or request it, and I am available to
20 make visits to those different tribal entities
21 at their request. Thank you.

22 CHAIR SCOWCROFT: Thank you very

1 much, Mr. Mackie. Mr. Stroble.

2 MR. STROBLE: Thank you,
3 Commissioners, for inviting me to speak today.
4 My name is J.R. Stroble. I'm the Director of
5 the National TRU Program, part of the DOE
6 Carlsbad Field Office.

7 When WIPP opened in 1999, the U.S.
8 Department of Energy determined that some of
9 its sites in the nuclear weapons complex were
10 not prepared to meet the WIPP requirements to
11 ship their transuranic waste. TRU waste is
12 radioactive waste that is contaminated with
13 TRU elements from defense-related activities
14 generated and stored at many DOE sites.

15 It was clear to the DOE that a
16 national priority and a focus on packaging and
17 characterizing TRU waste for WIPP disposal was
18 necessary. To resolve this issue, the DOE
19 Office of Environmental Management established
20 the National TRU Program, or NTP, and assigned
21 the management of the program to CBFO. CBFO
22 had already established a national

1 transportation system for TRU waste, so it was
2 combined with the oversight of a packaging and
3 characterization program to establish the NTP.

4 The purpose of NTP was to
5 integrate DOE TRU waste sites nationwide, to
6 align budget, equipment, and personnel
7 resources with a focus on full utilization of
8 WIPP, which was the only approved permanent
9 disposal system for TRU waste.

10 Communication is the key to the
11 success of the program. TRU waste sites, DOE
12 offices and their contractors, along with DOE
13 Headquarters, WIPP regulators and stakeholders
14 communicate regularly on resolving issues to
15 proceed with the overall plans of the project.
16 For example, CBFO brings the DOE and
17 contractor management from the TRU waste sites
18 together twice a year in the form of a TRU
19 Corporate Board to prioritize resources, to
20 establish goals, and to resolve issues, and
21 NTP communicates at least weekly with TRU
22 waste sites to track the status of completing

1 those goals and to focus on the resolution of
2 issues at each site.

3 One of the main approaches that
4 NTP established to resolve issues was a
5 national system of centralized, standardized,
6 and efficient characterization and loading
7 systems. The system has been successfully
8 established and implemented at TRU waste sites
9 that ship TRU waste to WIPP.

10 WIPP opened with the shipment and
11 disposal of contact-handled, or CH, TRU waste,
12 and added remote-handled, or RH, TRU waste in
13 2007. After proving that WIPP could operate
14 safely with CH TRU waste for seven years, DOE
15 received approval from the U.S. Environmental
16 Protection Agency, or EPA, and the New Mexico
17 Environment Department, or NMED, to dispose of
18 RH TRU waste.

19 To minimize radiation exposure to
20 workers and the public, RH TRU waste requires
21 special shielding and machinery. The
22 packaging characterization, loading, and

1 transport systems for RH TRU waste, as well as
2 CH TRU waste, have all been designed and
3 effectively implemented to provide safe and
4 clean transfers to WIPP.

5 CBFO audits TRU waste sites,
6 utilizing nuclear quality assurance standards,
7 and certifies each characterization and
8 transportation program at those sites to
9 ensure that waste is compliant with WIPP
10 requirements before the waste is shipped. The
11 NMED oversees those audits and the EPA Office
12 of Radiation inspects the same programs
13 independently. CBFO only certifies those
14 systems and those waste streams approved by
15 the NMED and the EPA.

16 The transportation system for WIPP
17 was recognized by the United States Transport
18 Council in 2009 for being a national leader in
19 the safe transport of nuclear waste. Each
20 shipping weight of the year, TRU waste sites
21 and the WIPP Transportation Systems package
22 and transport an average of over 20 TRU waste

1 shipments to WIPP. Some of these numbers
2 you've heard several times in the last two
3 days, but they're significant.

4 WIPP TRU waste carriers have
5 successfully logged over 11 million miles
6 loaded with TRU waste on U.S. highways without
7 any significant events. WIPP has safely
8 operated for 11 years now with no significant
9 accidents, and with shipments loaded with TRU
10 waste, no spills, no leaks, and no issues with
11 security that would pose a threat to the
12 public or to workers.

13 The waste containers and trailers
14 that DOE uses for highway transport of TRU
15 waste are certified by the Nuclear Regulatory
16 Commission. The containers and the trailers
17 must pass stringent tests, and be maintained
18 with a high quality under those
19 certifications.

20 The truck drivers are some of the
21 best-qualified drivers in the country, and
22 have to meet stringent standards to transport

1 TRU waste to WIPP. WIPP trucks are equipped
2 with satellite tracking systems using the
3 TRANSCOM system, which is managed by the NTP
4 for the federal government.

5 NTP schedules WIPP shipments and
6 communicates those schedules to state
7 organizations along the shipping route so they
8 can be prepared with emergency response
9 systems and so they can inspect the shipments
10 along the way. NTP monitors the weather along
11 those routes closely and carefully, and
12 controls the departure of those shipments when
13 weather is questionable anywhere along the
14 planned routes.

15 The results of the focused efforts
16 of the NTP speak for themselves. TRU waste
17 from 17 DOE sites has been cleaned up. WIPP is
18 the world's only operating geologic repository
19 for TRU waste. Over 1 million curies of TRU-
20 contaminated waste has been disposed and
21 permanently isolated from its accessible
22 environment. NTP uses a holistic approach to

1 manage the TRU waste complex in a business-
2 like manner. And, in conclusion, WIPP is a
3 national asset. Thank you.

4 (Applause.)

5 CHAIR SCOWCROFT: Thank you very
6 much for those presentations. We appreciate
7 it.

8 I have an initial question. Your
9 safety record is certainly enviable: no
10 significant incidents. Would you define a
11 little more what a significant incident is, in
12 terms of what is the most serious accident
13 that's happened, and how does your safety
14 record compare with that of other truck
15 transportation organizations?

16 MR. MACKIE: General Scowcroft, we
17 have -- to define significant incidents, a
18 significant incident, to us, is any radiation
19 release, fatality, or things of that nature.
20 We have been involved in accidents over the
21 past 11 years. We have not been cited for any
22 of those accidents. They have not been our

1 fault. We have had people run into the back
2 of us, run into the side of us when we're on
3 the Interstate Highway System, and it's
4 inattentiveness on their part.

5 CHAIR SCOWCROFT: Thank you.
6 Another question?

7 MEMBER PETERSON: I have two
8 questions that I'd like to pose. The first
9 relates to one of the unique aspects of
10 transportation, which is that, in general, the
11 communities that are affected by
12 transportation don't enjoy the same types of
13 benefits that communities that have fixed
14 facilities typically do. There's no tax
15 revenues. There's typically not much in the
16 way of jobs. And this is one of the reasons
17 that transportation, I think, is commonly
18 viewed differently from the fixed facilities,
19 because there are some external costs with no
20 corresponding benefits. But there is one
21 important way in which there -- you can see
22 there is a benefit. And I'd like to explore

1 that a little bit, and get some comments on
2 it.

3 One of the things I was interested
4 to learn is that, for example, at the WIPP
5 facility, which is a fixed facility, one of
6 the benefits that comes, comes from the
7 investments in emergency response. And, in
8 fact, the fire brigade at WIPP is very
9 commonly the first responder to highway
10 accidents, and they've saved lives. And this
11 is, actually, an interesting positive element
12 of the fact that from nuclear facilities you
13 have this capacity to provide emergency
14 response, and it can be used for non-nuclear-
15 related things, as well.

16 Now, what's been described here is
17 rather extensive investments in upgrading the
18 emergency response capability along
19 transportation corridors. And, actually, we
20 know that shipments of radioactive materials
21 are completely dwarfed by the level of
22 shipments that we have for hazardous

1 chemicals. And, furthermore, safety
2 standards, perhaps, are much lower for
3 hazardous chemicals. You have higher risks
4 associated with accidents, leaks, explosions,
5 and such. So, I think one of the interesting
6 dimensions here is that these emergency
7 response capabilities, correct me if I'm
8 wrong, actually can be applied equally to non-
9 nuclear-related emergencies, and there may be
10 some benefits, then, that come just from these
11 investments.

12 I'd like to see if having, at this
13 point, a pristine safety record, but having
14 made these investments, has there been a
15 corresponding set of benefits to what we've
16 observed with the WIPP fire brigade; that is,
17 have these investments resulted in the
18 capability to respond better to non-nuclear-
19 related accidents, and those sorts of things?

20 MR. MACKIE: Mr. Peterson, as I
21 said in my presentation, we provide training
22 to first responders mainly along the corridor

1 routes, and we do this prior to any movement
2 of transuranic material. The training that we
3 provide is not just for radioactive material.
4 It is training the first responders, to
5 ambulance people, and people of that -- police
6 people -- of that nature so that they are
7 capable and know what to do when responding to
8 an accident. We do put quite a bit of
9 emphasis on radioactive material, because
10 that's our job. But we try to provide them
11 with incident command training, so that if
12 they have an accident, regardless of the
13 cause, whether it be a hazardous material
14 accident, a gasoline truck, or anything of
15 that nature, they would have the ability to
16 set up an incident command system, and have an
17 Incident Commander at the scene to run and to
18 respond to this accident.

19 If it were a WIPP accident, the
20 Incident Commander would not be a DOE
21 employee. The Incident Commander is a state
22 official in that local area. We would come

1 in, or we would communicate with them to
2 provide them with whatever advice or help we
3 can give them, but we do not take over that
4 incident. That is their responsibility.

5 MR. SCHROEDER: And I would just
6 add from a state perspective, I mean, it
7 certainly increases a state's robustness in
8 emergency response. And you look at the
9 shipping routes, these are major shipping
10 routes for all kinds of goods. And where the
11 training is concentrated are along some of
12 these major interstate systems.

13 MEMBER PETERSON: And then my
14 second question is actually directed to you,
15 Alex. Last night, we actually had a chance to
16 speak some, and one of the things that we
17 discussed is the fact that the WIPP experience
18 is dominantly with truck transportation of
19 waste. And for the transport of civil nuclear
20 fuel, the size of the casks and other things
21 makes it more desirable, perhaps, to use rail
22 transport more extensively.

1 Now, we do have significant
2 experience also with -- I think within the
3 Western Governors Association with rail
4 transport of naval spent fuel, which occurs
5 routinely. But, as you pointed out, there's
6 differences in state authority between truck
7 transport and rail transport. And, at least,
8 it's my personal belief that substantial state
9 authority and oversight is a critical element
10 of making a transportation system work.

11 So, I guess my question is, do we
12 need to do something to assure that if you
13 have rail transport of spent fuel, that there
14 is sufficient and adequate state authority and
15 county authority in terms of oversight of that
16 transportation? Is it different from truck
17 transportation?

18 MR. SCHROEDER: I think the answer
19 would be yes, and I tried to directly address
20 that in my remarks. There are certainly
21 nuances that need to be addressed, but the
22 state role is fundamentally different when

1 you're working with railroads and you're
2 working with highway shipments, where the
3 states have a clear line of jurisdiction.
4 With regards to routing, high-quality drivers,
5 some of the things that we really stress in
6 the WIPP Transportation Program, it's a whole
7 new ballgame when dealing with rail carriers.
8 And this did come to a point, I think it was
9 about 2003, when WIPP was looking at using
10 rail shipments to get TRU waste down to WIPP.
11 And it really was a bit of a struggle kind of
12 working with the railroads and getting them to
13 acknowledge the state's role, and their desire
14 to see some of these fundamentals of the
15 safety program be implemented in rail. And so
16 I think certainly addressing that up front
17 would help smooth the future process.

18 CHAIR SCOWCROFT: Mark?

19 MEMBER AYERS: Thank you, General.

20 You had mentioned that, and I'm
21 sorry, I can't read the names from here. My
22 eyes are bad. But you had mentioned that

1 Level VI inspections could be done state by
2 state. Does that typically happen?

3 MR. MACKIE: Yes, sir, it does.
4 Every state has their own commercial vehicle
5 program. Every state in the United States has
6 accepted the Commercial Vehicle Safety
7 Alliance Level VI Program. Actually, there
8 are seven levels. Level VI is the radioactive
9 program, and that's the one that we watch.

10 Every one of our shipments must be
11 defect-free when they leave a generator site,
12 so they undergo a Level VI inspection at the
13 generator site before they leave. However,
14 any state has the authority to pull our trucks
15 over, or any state that -- any port of entry
16 that we go through in the state has the
17 authority to give us a Level VI inspection.

18 MEMBER AYERS: Is that common
19 practice for them to do that, or do they,
20 typically, waive that right?

21 MR. MACKIE: No, there are two --
22 there are a number of states right now that by

1 statute or Executive Order from the governor
2 require Level VI inspections, and we do stop
3 for those states. New Mexico is one of them.
4 Another one is the State of Colorado. And we
5 have been stopped along the route in Wyoming
6 and other states in the west, and had
7 inspections done along the route.

8 MEMBER AYERS: Another question.

9 I assume that you do extensive background and
10 security checks on all the drivers, escorts?

11 MR. MACKIE: Let me speak about
12 escorts first. We do not require escorts for
13 our shipments. That is a state decision. If
14 a state wants to escort our shipment, we just
15 follow their guidelines, but we do not require
16 it.

17 As far as our drivers go, we have
18 two contract companies that have a five-year
19 contract to provide us transportation
20 services. Prior to an individual driving for
21 us, they must meet certain criteria, such as
22 have driven 350,000 miles over a five-year

1 period without an accident or a citation, no
2 DUIs or DWIs at all, must undergo a rigorous
3 training program before they can get behind
4 the wheel and pull our waste, and they cannot
5 have a felony. So, they're well trained prior
6 to even starting to drive for us.

7 MEMBER AYERS: Okay. And then one
8 five question. Since there's no escort, is
9 there a shotgun rider with the driver?

10 MR. MACKIE: Each driver -- each
11 of our trucks are team driven. We have a
12 driver, and we have a second driver who is in
13 the bunk. We must maintain and abide by all
14 Department of Transportation regulations, and
15 right now they say on hours of service that a
16 driver can only drive for 11 hours, and then
17 he must spend nine -- the next nine hours in
18 the bunk, and he has two hours of
19 discretionary time that he can either spend in
20 the bunk, or he can spend reading, or doing
21 whatever he wants to do. So, we have two
22 drivers on every loaded shipment, yes, sir.

1 MEMBER AYERS: And then the
2 material is constantly moving. There is no
3 rest stops. Once it leaves the generator, the
4 wheels are rolling, unless there's an
5 inspection. Is that correct?

6 MR. MACKIE: For the most part,
7 yes, sir. Our requirements require that 50
8 miles after our shipment leaves the generator
9 site, that the driver pull over, get out and
10 do a walk-around inspection, checking tires,
11 checking tie-downs on our containers, things
12 of that nature, and then they must do the same
13 thing every 150 miles, or three hours
14 thereafter until they arrive at the WIPP.

15 We do allow them to stop for
16 comfort, for meals, and for fuel, and that's
17 the only time they can stop, and it can be for
18 no more than 30 minutes. We track that on our
19 TRANSCOM system that Mr. Stroble talked about,
20 so we know where they are, and they must
21 report to us that they have stopped, and when
22 they're ready to go again.

1 MEMBER AYERS: Okay. I keep
2 saying my last question, but you lead into
3 another one. So, if they stop for meals, they
4 both don't go in and --

5 MR. MACKIE: No, sir.

6 MEMBER AYERS: Okay. One always
7 with the truck.

8 MR. MACKIE: One driver must be
9 with the loaded truck every minute that truck
10 is on the road until it gets to WIPP.

11 MEMBER AYERS: Thank you very
12 much.

13 MR. MACKIE: Yes, sir.

14 CHAIR SCOWCROFT: Senator?

15 MR. SCHROEDER: And if I could
16 just add to that, there are other instances in
17 the case of adverse weather where we do have
18 safe parking procedures where a driver will
19 stop and pull over to stay at designated
20 facilities.

21 MEMBER DOMENICI: Thank you,
22 General. I was just going to ask, probably it

1 isn't in your jurisdiction, you might know.

2 You told us how safe the travel
3 is. How safe are the TRUPacts? Have they
4 gone through tests that would indicate it's
5 very difficult to break one? How stable and
6 robust are they, so the public knows that you
7 have something that won't break very easy.
8 Can you describe that in layman's language,
9 the strength and stability, and robustness of
10 what you are carrying?

11 MR. MACKIE: Yes, sir. We have
12 more than just TRUPacts that we carry waste
13 in. We have TRUPact-IIs, we have HALFPacts,
14 and we have a new TRUPact-III, which we will
15 be introducing this year to our fleet that
16 carry contact-handled waste. We also have
17 what we call and RH-72b cask, which carries
18 remote-handled waste, plus we have a 10-160b
19 cask, which we have one, that could be used
20 for handling waste.

21 All of these casks that I
22 mentioned to you have been NRC-certified.

1 They have been certified by the Nuclear
2 Regulatory Commission. They have undergone
3 rigid testing, rigorous testing to include a
4 drop from 30 meters onto an unyielding
5 surface, and I think Secretary Triay talked
6 about this this morning, they also are dropped
7 from 3 meters onto a spike to try to penetrate
8 them. They undergo a burn test at 1,475
9 degrees for 30 minutes, and with a minimal
10 increase in temperature inside. And then,
11 lastly, and by computer simulation only, they
12 undergo a test where they are submerged in
13 water for a period of time to check for leaks.

14 Our casks, and specifically the
15 TRUPACT-II, since that's the one that carries
16 most of our contact-handled waste, is a double
17 containment package. Only the TRUPACT-II and
18 the HALFPact are double containment. Okay?
19 So, they are under a vacuum, kind of like a
20 pressure cooker.

21 My mother used to have a pressure
22 cooker that she'd seal down and it would kind

1 of go under a vacuum. Our casks do the same
2 thing, and they are sealed down, and they
3 remained sealed until they get to the WIPP
4 site from the generator site. And then the
5 vacuum is released, and the lid can be taken
6 off of it. They're very robust.

7 MEMBER DOMENICI: Thank you very
8 much.

9 MEMBER PETERSON: Could I follow
10 with just a quick question? Could you compare
11 and contrast that with the types of containers
12 that are used to transport chlorine and
13 gasoline?

14 MR. MACKIE: I'm scared.

15 (Laughter.)

16 MR. MACKIE: Our casks are --
17 again, I think that they're much more robust.
18 The instances of an accident, I don't think
19 that our casks -- I know our casks will not
20 leak, as they will. I know our casks have
21 been tested for fire, and things, and have
22 been tested for water. And I just think it's

1 a much, much safer cask.

2 MEMBER PETERSON: In Berkeley
3 about four years ago, we ended up with about
4 a 4-foot deep crater in the highway from a
5 propane truck, so thank you.

6 MR. MACKIE: Yes, sir.

7 MEMBER DOMENICI: What kind of
8 truck?

9 MEMBER PETERSON: Propane.

10 MEMBER DOMENICI: Propane.

11 CHAIR SCOWCROFT: Are there other
12 questions? I want to thank the panel for a
13 very instructive session. We appreciate your
14 being with us. Thank you very much.

15 (Applause.)

16 CHAIR SCOWCROFT: We will now
17 begin our public comment session. We have 37
18 speakers who have signed up to talk. We will
19 allow two minutes each. There is a light
20 signal here. You will begin with a green
21 light. When there is one minute remaining, an
22 orange light, and when the red light comes on,

1 we would appreciate it if you would conclude
2 the sentence that you're on, and cease.

3 I will call the names of the
4 person to come up first, and the following
5 two. The first presentation will be by Jill
6 Frawley, and followed by Dale Janway, and
7 Steve McCutcheon.

8 MS. FRAWLEY: Hello, my name is
9 Jill Frawley. I've been a Registered Nurse for
10 40 years, a resident of this state for 18.
11 And the language of these presentations is
12 very interesting to me, especially the word
13 "sacred." And I do believe these are sacred
14 lands here, and they should not be used as a
15 garbage can for other people's waste. So,
16 WIPP at a moderate level is fine, but we don't
17 want everybody else's garbage. And there are
18 many, many, many, many citizens that feel the
19 same way as I do.

20 So, my concern, obviously, because
21 of my profession is health and safety. And it
22 is very interesting to me there are no Native

1 Americans presenting. There is a huge cross-
2 section of ethnic diversity here. So, once
3 again we have an establishment, everybody is
4 making a living here, everybody is doing what
5 they think they need to do to keep their job.
6 I'm here pro bono, and I have about 10 or 15
7 more years of viability, and I would like to
8 spend that time fighting with everything I've
9 got this kind of expanded containment of very
10 toxic waste. Thank you.

11 CHAIR SCOWCROFT: Thank you very
12 much.

13 (Applause.)

14 CHAIR SCOWCROFT: Our next
15 presenter is Dale Janway, followed by Steve
16 McCutcheon and Rudy Dominguez.

17 MR. JANWAY: Good afternoon. My
18 name is Dale Janway, and I am the Mayor of
19 Carlsbad. Members of the Blue Ribbon
20 Commission, thank you for the opportunity to
21 provide comments to you here in Albuquerque,
22 New Mexico.

1 In the last couple of days, you
2 have seen WIPP firsthand, and you have seen
3 that project's success is backed by a staff of
4 experts that are second to none, and a
5 community whose support is unrivaled in the
6 nation.

7 The point I wish to impress upon
8 you today, however, is that support of WIPP
9 and nuclear-related projects is not limited by
10 geographic borders to the southeast corner of
11 the state. The need to cleanup the nation,
12 and the need to develop clean, renewable, and
13 abundant sources of energy is understood by
14 many in the State of New Mexico.

15 I believe strongly that America's
16 nuclear future is tied to America's future as
17 an economic superpower. If we fail to meet
18 the future energy demands of the nation, we
19 will not have the ability to lead the world in
20 manufacturing and ingenuity that is the
21 backbone of the country.

22 With WIPP, the National

1 Laboratories, and other nuclear-related
2 projects, New Mexico is already playing a role
3 in America's nuclear future, but we can do
4 more. We must put our collective scientific
5 knowledge, and our unequaled experience to
6 practical use. There is support throughout the
7 state to be part of the solution. Let's move
8 forward on solving the challenges of the
9 nuclear fuel cycle. Thank you.

10 CHAIR SCOWCROFT: Thank you very
11 much, Mr. Janway.

12 (Applause.)

13 CHAIR SCOWCROFT: The next
14 presenter is Mr. Steve McCutcheon, Carlsbad
15 Department of Development, followed by Rudy
16 Dominguez, and Christopher Timm.

17 MR. McCUTCHEON: Mr. Chairman,
18 members of the Commission, my name is Steve
19 McCutcheon. I represent five generations of
20 Carlsbad residents. My grandfather came to
21 Carlsbad in 1912, 99 years ago, my father,
22 myself, my children, and my grandchildren all

1 of Carlsbad. I'm employed full-time in the
2 potash industry. I, along with my children
3 and spouse own and operate two ranches in Eddy
4 County, and I am immediate past President of
5 the Carlsbad Department of Development.

6 WIPP inherited Carlsbad's safety
7 culture, which came from the potash industry.
8 The mayor who just spoke with you was a safety
9 manager in potash. He won the MSHA
10 prestigious award, Sentinels of Safety, five
11 times. There are -- and, normally, a potash
12 manager would win that once. I think there
13 are three reasons for winning that award, and
14 for Carlsbad's safety culture.

15 First is, that it has been
16 fostered since 1931 by underground miners.
17 Secondly, there is leadership and individual
18 responsibility which are taken by individuals
19 in that area, and all this was cross-
20 pollinated when WIPP opened up because of the
21 individuals that they hired to mine and work
22 in the underground at WIPP came from the

1 potash industry. And, lastly, and maybe the
2 most important, is the inherently safe and
3 stable qualities of salt in the underground.

4 I have known virtually all the DOE
5 managers and contractors, the leadership since
6 the 1980s, the mid-1980s. They have been
7 credible individuals who carried out the core
8 mission of WIPP with integrity.

9 Now, in the 1980s when WIPP was
10 proposed, no one wanted it, but Carlsbad
11 stepped up. And I am suggesting that Carlsbad
12 is ready to step up again, if the opportunity
13 comes.

14 I am not suggesting that we put
15 defense high-level waste in WIPP. That is not
16 WIPP's mission, but there are 16 square miles
17 withdrawn, two of which are used for WIPP.
18 Does that buzzer mean something?

19 CHAIR SCOWCROFT: Yes.

20 MR. McCUTCHEON: What does it
21 mean?

22 CHAIR SCOWCROFT: You're done.

1 MR. McCUTCHEON: Oh, I'm done.
2 Okay. We thank you very much. We hope that
3 if you choose salt as a medium, you will
4 consider Carlsbad as the place to look at this
5 problem. Thank you.

6 CHAIR SCOWCROFT: Thank you,
7 Steve.

8 (Applause.)

9 CHAIR SCOWCROFT: Our next speaker
10 is Rudy Dominguez, followed by Christopher
11 Timm, and Charles Powell.

12 MR. DOMINGUEZ: Good morning. My
13 name is Rudy Dominguez, and I work for a
14 potash mine near Carlsbad, New Mexico.

15 In the early 1970s, at the age of
16 18-years old, and freshly out of high school,
17 I began a mining career in the underground
18 mines of Arizona. Back in those days,
19 production ruled, and the focus on the safety
20 of mining employees was almost non-existent.
21 Emphasis was placed on producing as much ore
22 as quickly, and as humanly possible.

1 Shortcuts were taken, people were hurt, and in
2 too many cases people were killed. I am happy
3 to say that 38 years later, things are much
4 different. Thanks to training, technology,
5 education, oversight by agencies like MSHA and
6 OSHA, and a tremendous change over culture in
7 the mining industry regarding safety, our
8 mines, particularly the potash mines, continue
9 to improve their safety performance, and are
10 the safest mines in the world.

11 At our mine in Southeastern New
12 Mexico, the cooperation, benchmarking
13 activities, and the sharing of information
14 that takes place with WIPP, and other mines in
15 the area, are just some of the reasons why our
16 safety record today is one of the best in the
17 mining industry.

18 While relatively a newcomer to the
19 Carlsbad area, WIPP has, and continues to set
20 very high standards in safety, as it applies
21 to its employees, and the surrounding
22 communities. In many cases, WIPP's emergency

1 response teams have been the first on the
2 scene, and have provided critical and
3 emergency assistance to unfortunate victims of
4 automobile accidents in the area.

5 Our mine rescue teams share best
6 practices, work together and compete against
7 one another, which has helped these two very
8 important teams to improve, and be ready and
9 able to provide emergency rescue services,
10 should they be required. There is no denial
11 of the positive social and economic impact
12 that WIPP has had in the local communities,
13 and in the State of New Mexico.

14 I, personally, strongly support
15 WIPP in its endeavor to remain a productive
16 and local contributor to the success of our
17 great community, and the great State of New
18 Mexico. Thank you.

19 CHAIR SCOWCROFT: Thank you, Mr.
20 Dominguez.

21 (Applause.)

22 CHAIR SCOWCROFT: Our next speaker

1 is Christopher Timm of PECOS Management
2 Services, followed by Charles Powell, and Dr.
3 JoAnne Allen.

4 MR. TIMM: Honorable Commission
5 Members, ladies and gentlemen, having been the
6 independent oversight contractor for WIPP for
7 the past five years, and having well over 40
8 years of experience with environmental
9 protection and waste management, I'll offer
10 the following comments.

11 First, I applaud the Blue Ribbon
12 Commission for your efforts to assimilate what
13 we have learned since WIPP opened, in fact,
14 since the 1957 National Academy of Sciences
15 report that started our quest for a sound,
16 high-level waste disposal strategy. It's good
17 to see people who recognize that decisions
18 made 20 to 50 years ago should be re-examined
19 based on new knowledge, new experience, and
20 new information.

21 The International Atomic Energy
22 Commission's Joint Convention on the Safety of

1 Spent Fuel Management and the Safety of
2 Radioactive Waste Management that the United
3 States, and most other countries with nuclear
4 capabilities have signed contains the
5 following two overall objectives.

6 First, the generation responsible
7 for generating the radioactive waste is
8 responsible for its safe disposition. And,
9 second, the disposition solution chosen by the
10 generating generation should not impose undue
11 burden on the future generations or
12 environment.

13 Unfortunately, with the decision
14 to not open WIPP, this country has failed to
15 meet the first objective. In fact, it is
16 several generations behind. However, the good
17 news is that over that 60 plus years that
18 we've been generating radioactive waste, a
19 significant quantity of it has already
20 disappeared through natural decay. More than
21 half of the cesium-137 and strontium-90, for
22 instance, are gone. So, keep in mind that

1 this is a problem that does go away with time.

2 With respect to the second
3 objective, the key is how "undue" is defined.
4 And I want to -- I've got a feeling I'm going
5 to run out of time, so I want to run into it.
6 Basically, to minimize the undue impact on
7 future generations, I believe that we should
8 be doing everything we can now to minimize the
9 volume of waste both we generate, and that has
10 to be disposed. It just means reprocessing,
11 recycling, and all those type of devices.

12 CHAIR SCOWCROFT: Thank you very
13 much, Mr. Timm, appreciate it.

14 (Applause.)

15 CHAIR SCOWCROFT: Our next
16 presenter is Charles Powell of Veterans for
17 Peace, followed by Dr. JoAnne Allen, and Dave
18 McCoy.

19 MR. FRAZIER: Mr. Chairman, if I
20 could make one statement.

21 CHAIR SCOWCROFT: Yes.

22 MR. FRAZIER: Before you get

1 started, for those of you that have written
2 statements and don't happen to get all the way
3 through them, please feel free to email them
4 to us, and we'll make sure that we get them on
5 the record in their entirety.

6 MR. POWELL: Members of the
7 Commission, I'm Charles Powell, and I've lived
8 in New Mexico for 25 years. I'm a retired
9 postal worker, father, grandfather, and a
10 cancer survivor, so far. I'm also President
11 of the Albuquerque Chapter of Veterans for
12 Peace.

13 I'm here today because it's my
14 understanding that the government cannot push
15 nuclear waste on states that don't want it,
16 and that's why the waste is no longer going to
17 Yucca Mountain. The people of Nevada said
18 they no longer wanted it. Well, we don't want
19 it either.

20 (Applause.)

21 MR. POWELL: We are tired of being
22 used as a national sacrifice zone. We say

1 enough with the mining or uranium ore, enough
2 with the research and development of nuclear
3 weapons, enough with the deployment of nuclear
4 weapons, enough with the storage of nuclear
5 weapons, and enough with the dumping of
6 nuclear waste. If my voice on this issue
7 means anything, please record my answer as a
8 firm no.

9 (Applause.)

10 CHAIR SCOWCROFT: Thank you, Mr.
11 Powell. Our next presenter is Dr. Allen,
12 followed by Dave McCoy and Scott Kovac.

13 DR. ALLEN: Yes, we have had
14 enough mismanagement, corruption, negligence,
15 deceit, and irresponsible behavior at the
16 hands of the government, the nuclear weapons
17 industry, and the war machine. They have led
18 to the degradation of the health of our
19 citizens, environment, and economy in this
20 beautiful state.

21 Mr. Peterson, I know you're
22 interested in what has been accomplished by

1 the DOE, the DOD, and the nuclear industry.

2 Allow me to fill you in.

3 Permanent contamination of our
4 drinking water supply of this very city with
5 8 million gallons of jet fuel, plumes of toxic
6 waste flowing towards our drinking water from
7 Los Alamos, unlined pits of toxic waste at
8 Kirtland Base threatening our water supply,
9 open burning of waste at Los Alamos
10 contaminating farmland and surface drinking
11 water in Northern New Mexico, contamination of
12 Indian lands and water, and the health of
13 native people in Western New Mexico from
14 uranium mining, disruption of our communities
15 with jet noise from their aerial activities,
16 and 2,000 plus nuclear weapons stored at the
17 end of the airport runway you'll be flying
18 over.

19 Our Environment Department, and
20 the public have been obstructed from the
21 inventory of Sandia National Labs and Los
22 Alamos National Labs, yet activities that

1 directly affect our water occur there. Our
2 elected officials have been ineffective at
3 protecting us. Our governor has recommended
4 cutting funding for the very Environment
5 Department praised by Mrs. Triay. Our City
6 Council will not stand with us in our efforts
7 to remove the WMDs from our city.

8 We made an agreement with you in
9 1992, and we have kept our part of the
10 bargain. It's time for you to keep yours.
11 Honor your agreement with us.

12 (Applause.)

13 DR. ALLEN: No more high-level
14 waste at WIPP, no interim waste at WIPP. We
15 couldn't stop you last time, but we will stop
16 you this time.

17 Mr. Scowcroft, I invite you to add
18 a word to your vocabulary, "suficiente,"
19 enough.

20 (Applause.)

21 CHAIR SCOWCROFT: Thank you, Dr.
22 Allen. Next presenter is Dave McCoy of

1 Citizen Action, followed by Scott Kovac, and
2 Allison Berber.

3 MR. McCOY: Good afternoon. I'm
4 Director for Citizen Action New Mexico.
5 There's a dark side to nuclear power, and it
6 hasn't been discussed.

7 The Blue Ribbon Commission is
8 being used to unclog the back-end of the
9 nuclear fuel cycle to resume nuclear power
10 production. Nuclear power generation is
11 nothing more than subsidized corporate
12 welfare. No company will risk construction of
13 a reactor unless the financial risk, the
14 insurance risk, and the spent fuel waste
15 problems are subsidized. Because it's the most
16 expensive way to generate electricity, it
17 represents the greatest opportunity for
18 corporate interests by holding the ratepayer
19 captive to the highest rates possible.

20 The new construction of nuclear
21 power plants will absorb funds that could
22 otherwise be used for building alternative

1 energy. Nuclear energy is far from being a
2 clean source of energy, as proponents claim.
3 Studies from Germany bear that out, about
4 leukemia in children.

5 My experience with the nuclear
6 power industry over the years started in
7 Oregon with the Trojan Nuclear Reactor, when
8 I tried to bring documents that showed there
9 could be an earthquake twice what the Trojan
10 Nuclear Reactor could withstand. The Nuclear
11 Regulatory Commission prevented me from
12 bringing those facts forward, and told me that
13 we couldn't discuss waste problems because the
14 government would have a solution in five
15 years. That was in 1978. The spent fuel from
16 the Trojan Nuclear Reactor is still sitting a
17 couple of hundred feet from the Columbia
18 River, and no sign it's going to be moved.

19 There's been a lot of lack of
20 transparency in this entire waste management
21 process. Just a couple of things here in New
22 Mexico is the political influence on the New

1 Mexico Environment Department. They sued
2 Citizen Action to keep critical documents
3 about computer models at Sandia for waste
4 movement out of our hands. After we finally
5 got that document, it was three years later,
6 and we also got another 13,000 documents about
7 hazardous waste throughout the State of New
8 Mexico that was not made available to any of
9 the citizens during the 10 years that the New
10 Mexico Environment Department withheld them.

11 So, there's -- one final thing I
12 want to mention to you. All this safety about
13 transport, you tested any of those casks
14 against a handheld missile? You checked into
15 any of the IED problems?

16 CHAIR SCOWCROFT: Thank you very
17 much.

18 MR. McCOY: Let the Iranians and
19 the Iraqis run those tests for you, and we'll
20 see how good those casks are. Thank you.

21 (Applause.)

22 CHAIR SCOWCROFT: Next presenter

1 is Scott Kovac, followed by Allison Berber,
2 and Joni Arends.

3 MR. KOVAC: Thank you. My name is
4 Scott Kovac with Nuclear Watch New Mexico.
5 We're a nonprofit community group here in the
6 state.

7 I had the opportunity to
8 participate in the EPA Recertification, and
9 also the RCRA renewal negotiations in the past
10 year. I think these are very important
11 processes. I want to thank the NMED, and the
12 DOE, and the WIPP contractors for their
13 upfront and transparent negotiations. We need
14 to keep this permit and EPA renewals, and
15 recertifications in effect. They provide
16 continued and regular public updates, and
17 opportunities for public input. They also
18 allow computer model points to be replaced
19 with actual data, and constantly tweaking the
20 process.

21 This is a living process. Over
22 time, are there things that were overdone at

1 WIPP? Probably. Are there things that we
2 missed? Probably, but only time will tell.
3 No matter how long it takes, we need to take
4 that time and figure out the process forward.
5 The final impacts of WIPP are still to be
6 known.

7 We are at the dawn of the nuclear
8 age. It's only been 65 years. More than half
9 that time we've been trying to figure out what
10 to do with the waste, and we're still working
11 on that. And that's not too long. We still
12 have time. Once the waste goes down a hole,
13 it's irretrievable, and our problems only can
14 possibly increase.

15 This time that we're spending on
16 this process is just an instant compared to
17 the tens of hundreds and thousands of years
18 that the waste will be radioactive. Out of
19 sight must not be out of mind. Thank you.

20 CHAIR SCOWCROFT: Thank you very
21 much, Mr. Kovac.

22 (Applause.)

1 CHAIR SCOWCROFT: Our next speaker
2 will be Allison Berber of NAYGN, followed by
3 Joni Arends, and Lokesh Chaturvedi.

4 MS. BERBER: Hello. My name is
5 Allison Berber, and I'm a nuclear engineer. I
6 represent many different roles in my
7 community. I represent taxpayer, voter,
8 citizen in the great State of New Mexico. I
9 also represent my nuclear industry peers, the
10 6,000 young professionals across North
11 America, also known as North American Young
12 Generation in Nuclear.

13 Currently, the country's 104
14 commercial reactors produce about 2,000 metric
15 tons of used fuel annually, and it is safely
16 securely stored at plant sites in the used
17 fuel pool or in dry containers. The utilities
18 and vendors have extensive experience and
19 success handling used fuel, and securing these
20 facilities. We have a track record and
21 expertise with managing fuel right here in the
22 United States.

1 Considering these facts, proven
2 science, my own personal education, the safe
3 and secure interim storage and transportation
4 of used fuel is feasible in the United States.
5 North American Young Generation Nuclear
6 recommends that the Commission consider
7 interim storage facilities, a permanent
8 storage facility, reprocessing, and the
9 responsibility of used fuel management be
10 transferred to an independent entity, and a
11 management financial structure capable of
12 withstanding political change that does not
13 impede the growth of nuclear power, and the
14 sustainability of the energy in the United
15 States.

16 As a nuclear engineer who often
17 spends time educating the community about
18 safety aspects of nuclear power, I would like
19 to give my community a better answer than the
20 utility manages the used fuel safely and
21 securely in onsite containers. While the used
22 fuel is safety stored onsite in power plants,

1 the lack of having a plan for used fuel
2 challenges credibility and the future of
3 nuclear technology. We as young professionals
4 are faced with this question far too often.

5 To continue with expected growth
6 of the nuclear industry, a path must be
7 developed to manage used nuclear fuel. The
8 Young Generation of Nuclear Professionals is
9 looking to this Commission to help answer the
10 growing concerns about long-term storage of
11 used fuel. Answering these concerns places
12 confidence in the nuclear industry, and local
13 communities.

14 We know the Blue Ribbon Commission
15 will be successful in development of forward-
16 looking recommendations for the management of
17 used fuel in the United States. Thank you.

18 CHAIR SCOWCROFT: Thank you very
19 much.

20 (Applause.)

21 CHAIR SCOWCROFT: Our next speaker
22 will be Joni Arends from Concerned Citizens

1 for Nuclear Safety, followed by Lokesh
2 Chaturvedi, and Joseph Wexler.

3 MS. ARENDS: Good afternoon, Mr.
4 Chairman and members of the Commission. My
5 name is Joni Arends. I am the Executive
6 Director and a Co-Founder of Concerned
7 Citizens for Nuclear Safety.

8 CCNS formed in 1988 to address the
9 community's concern about the transportation
10 of waste through the center of Santa Fe from
11 Los Alamos National Laboratory to the then
12 proposed Waste Isolation Pilot Plant. So,
13 since our founding, CCNS has participated in
14 hundreds of meetings with regulators, with DOE
15 through the National Environmental Policy Act
16 proceedings. We participated in the original
17 WIPP permitting process in 1998, in the
18 extensive negotiations about the remote-
19 handled 311 matter in 2006, and then the most
20 recent permit renewal process. And based on
21 that experience, I would like to talk to you
22 a little bit about what was talked about

1 yesterday about informed consent.

2 Yesterday, Mr. Bearzi from the
3 Environment Department said that it's too
4 strong of a phrase that rather, it's a
5 decision that we can live with. And it's a
6 very difficult decision, as you're working on
7 putting together a process, recommending a
8 process. It's a very difficult decision for
9 NGOs to decide to sit at the negotiating
10 table. And several times, our NGO colleagues
11 call us sellouts for sitting at the table.

12 An NGO must weigh a number of
13 factors, including what may be gained or lost,
14 whether we support the position of the
15 regulators, or the Department of Energy, or
16 whether to promote another position. And how
17 best to use our limited, limited resources to
18 participate in a time-consuming process.

19 If I may finish. It is especially
20 ominous when former Senator Domenici's
21 namesake is representing the DOE, and the
22 federal contractors in these proceedings. Part

1 of we can live with it also involves
2 representing those that are not sitting at the
3 table, whether it's the people living along
4 the transportation routes, or those living
5 down river from the WIPP site. But there is
6 a silent group that has neither voice, nor
7 representation, and that is future generations
8 who will have to live with the decisions we
9 make today.

10 This waste was generated to
11 protect the nation, but we are placing the
12 burden of that security on future generations
13 who may, or may not benefit from that.
14 Considering the impact --

15 CHAIR SCOWCROFT: Thank you, Ms.
16 Arends.

17 MS. ARENDS: Excuse me, I would
18 like to finish.

19 CHAIR SCOWCROFT: Yes, I know.

20 (Chorus of "let her finish.")

21 CHAIR SCOWCROFT: Please.

22 MS. ARENDS: On future

1 generations, as it is challenging as it can
2 get. It presents deep moral and philosophical
3 questions. It requires placing future
4 generations at the table in the best way that
5 we can. Therefore, CCNS respectfully requests
6 that the Commission add a seat at your table
7 for future generations, and that they be
8 included in all of your recommendations to
9 President Obama. Thank you for the extra time,
10 Mr. Chairman and members of the Commission.

11 (Applause.)

12 CHAIR SCOWCROFT: Thank you, Ms.
13 Arends. Our next speaker is Lokesh
14 Chaturvedi, followed by Joseph Wexler, and
15 Peter Neils.

16 MR. CHATURVEDI: Mr. Chairman,
17 members of the Commission, my name is Lokesh
18 Chaturvedi. I was the Deputy Director of EEG
19 for 20 years, and I have also reviewed the
20 license application for Yucca Mountain as a
21 consultant to Sandia National Labs.

22 I just wanted to comment on two

1 things that came out today. One is the
2 operational safety through monitoring and
3 whole body count, the lie down and be counted
4 program. So, I just want to make sure that
5 everybody understands that the operational
6 safety is not confused by the real long-term
7 safety, which can only be established through
8 a process called performance assessment.

9 In fact, the operational safety
10 answers somewhat irrational fears, because
11 after all, before anybody can get exposed, we
12 will know an accident has taken place, and the
13 country knows there are monitors that will
14 detect the leak from the shafts.

15 The second point is about how long
16 it takes for regulators to do their job. It
17 was said that it took 11 years. The fact of
18 the matter is that from 1988 to 1993, DOE
19 tried to bring waste to WIPP for the reason of
20 conducting experiments with waste. That
21 program was abandoned in 1993. The Compliance
22 Certification Application was prepared in

1 three years, from `93 to `96. EPA took only
2 two years from `96 to `98 to issue Compliance
3 Certification, in `99 the waste came to WIPP.
4 And during that period, the parallel course of
5 sending an application to New Mexico
6 Environment Department for the regular part of
7 the waste was also created. Thank you very
8 much.

9 CHAIR SCOWCROFT: Thank you very
10 much, Mr. Chaturvedi.

11 (Applause.)

12 CHAIR SCOWCROFT: Our next
13 presenter is Joseph Wexler, followed by Peter
14 Neils, and Susan Shotlong-Rodriguez.

15 MR. WEXLER: It appears that I'm
16 coming up to the plate at a critical moment
17 here. I hope I can get a base hit.

18 My name is Joe Wexler. I'm a Civil
19 Engineer. I've been working in New Mexico
20 since 1964 basically on flood control, and
21 that's what I'm going to talk about at
22 Carlsbad.

1 The Pecos Basin, a little known
2 fact about the Pecos Basin, that it has some
3 of the most horrendous rainstorms in the
4 United States. In 1954, a flood occurred in
5 the summer of 1954 at the 105th longitude
6 location, which Pecos Basin is at, of 1
7 million cubic feet per second. That's a flow
8 the size that usually occurs in the
9 Mississippi River, and it occurred at the
10 Pecos Basin somewhat south of Carlsbad.

11 Now, Brantley Dam was designed not
12 too long after that, in the 1980s, designed
13 and built with that flow in mind. Now, that
14 flow -- that storm can occur below Brantley
15 Dam. And my calculations show that 1 million
16 cfs from the Pecos Basin will raise the river
17 30 feet, that's 10 meters, and will expand the
18 water flow to within three miles of the
19 western edge of the WIPP site.

20 I want somebody to review that in
21 detail before anyone starts considering
22 putting more higher level radioactive

1 materials at that location. I don't think
2 anybody has considered that. I haven't heard
3 anybody discuss it, but I wrote the Operations
4 Manual for Brantley Dam in 1986, so I know
5 quite a bit about it. And those flows are
6 unheard of in this part of the world, from
7 there to California. So, please take that in
8 your sights and think about it. Thank you.

9 CHAIR SCOWCROFT: Thank you.

10 (Applause.)

11 CHAIR SCOWCROFT: Our next
12 presenter is Peter Neils at Los Alamos Study
13 Group, followed by Susan Shotlong-Rodriguez,
14 and Miguel Pacheco.

15 MR. NEILS: Thank you. I'm the
16 President of Los Alamos Study Group.

17 Nuclear power has been with us for
18 50 years, a little more than 50 years. It's
19 never been economically viable without
20 extensive subsidies and loan guarantees. It's
21 a mature industry that cannot survive off the
22 public dole. If not for the Herculean efforts

1 of Senator Domenici, we would not be
2 contemplating any future for nuclear energy at
3 this time.

4 We have done something quite
5 extraordinary with nuclear power. We've
6 socialized the development, the construction,
7 and the liability, while privatizing the
8 profits. This has never, and still does not
9 make economic sense. And regardless of how one
10 feels about the safety issues, it is a loser
11 from the economic standpoint.

12 The MIT study used to inform the
13 Senator's book, "A Brighter Tomorrow," and
14 bolster many of the arguments that led to the
15 National Energy Policy Act of 2005, concluded
16 that there was a role for nuclear power in
17 America's energy future. However, because
18 they were specifically outside the scope of
19 the study, concentrating solar, photovoltaic,
20 wind, heat co-generation, energy conservation,
21 hydro and tidal power were not factored into
22 the study. It cannot be regarded as a

1 comprehensive or unbiased point of reference
2 from which to view, and look into our energy
3 future.

4 If subsidies, loan guarantees, and
5 tax incentives for alternatives are brought up
6 to the same levels nuclear has enjoyed for the
7 past 50 years, and the Price-Anderson Act is
8 repealed so that investors have to soberly
9 face the potential consequences of nuclear
10 power, we'd be comparing apples to apples.

11 Wall Street has abandoned nuclear
12 power because it makes no economic sense.
13 This Commission would be in good company if it
14 did the same. Thank you.

15 CHAIR SCOWCROFT: Thank you, Mr.
16 Neils.

17 (Applause.)

18 CHAIR SCOWCROFT: Our next
19 presenter is Susan Shotlong-Rodriguez,
20 followed by Miguel Pacheco, and Penelope
21 McMullen.

22 MS. SHOTLONG-RODRIGUEZ: I'd like

1 to make a few remarks. I am not originally
2 from this state, but it's a beautiful state,
3 and I'm very disappointed in, first of all,
4 Senator Domenici.

5 New Mexico has more than done its
6 job in being part of the solution. The rest
7 of the country, if they support the nuclear
8 industry with this high-level waste problem,
9 should chip in and do something.

10 WIPP was never authorized to hold
11 high-level waste, and to do so would break the
12 legal guidelines. We have kept our part of
13 the bargain, now you want to change the rules,
14 and the law. Shame on you.

15 Number two, to the Mayor of
16 Carlsbad --

17 (Applause.)

18 MS. SHOTLONG-RODRIGUEZ: -- and to
19 the representatives there, dangling jobs in
20 front of people who need jobs, especially in
21 this economy, to a public that is not
22 educated, or isn't interested in the dangers

1 that is inherent, health and accidents, in
2 this kind of an occupation, to my mind is one,
3 cruel, and two, deceitful. And if I had more
4 time, I would probably think of other
5 adjectives.

6 Number three, as stated earlier
7 this morning, the San Ildefonso Pueblo on the
8 first day of the waste shipments, the truck
9 carrying the waste made a wrong turn, and went
10 -- there's a border between San Ildefonso and
11 LANL, and they went right onto sacred
12 territory.

13 Four, that's just a mistake, and
14 you can brush that off, like you're doing with
15 a lot of things here. You may not be aware
16 that we always tout when you want to, the
17 French, and how much the French have used
18 nuclear reactors, but you don't hear about, in
19 this country, anyway, about the accidents.
20 Google it, 19 -- I think it's 2005, there was
21 a big accident, and two rivers were
22 contaminated.

1 Number five, where is the health
2 care for New Mexico due to this high-level
3 waste that we will be exposed to, and I mean
4 low-cost public affordable health care. This
5 year alone, we have insurance in my family, we
6 spent almost \$2,000 out-of-pocket to my child
7 who we found out is healthy, but it cost
8 money, and we don't have anything -- we don't
9 have cancer.

10 Number six, the escorts for these
11 trucks are -- you don't have to have them, so
12 that means if the governor wants to have it,
13 do we, as New Mexicans, have to pay for it?
14 Is it going to be federal money to provide
15 these escorts? It should be mandatory.

16 And, seven, just like the Titanic
17 won't sink, and the Challenger wouldn't
18 explode, we say no to using New Mexico as a
19 national dumping ground. Thank you.

20 (Applause.)

21 CHAIR SCOWCROFT: Thank you. Our
22 next speaker is Miguel Pacheco, of the --

1 PARTICIPANT: Pacheco.

2 CHAIR SCOWCROFT: All right.

3 Pacheco, of Northern New Mexico Stewards for
4 the Earth, followed by Penelope McMullen.

5 MR. PACHECO: That's okay. Miguel
6 Pacheco. It's good to see people here that
7 aren't on the clock. But, also -- yes.

8 (Applause.)

9 MR. PACHECO: America's nuclear
10 future, that sounds like an oxymoron to me. I
11 think our Energy Secretary, Steven Chu, if
12 that's correct, solar power provides safe,
13 clean, reliable power for New Mexico and the
14 world, building a low-carbon future. Somehow
15 he got it confused, and he said nuclear power.
16 That doesn't make any sense.

17 No one wants the spent fuel rods.
18 That's very obvious. New Mexico doesn't want
19 them. Talk about broken promises. We did not
20 ask for the waste, now they want remote-
21 handled to be put there, which you're already
22 doing, high-level. Broken promises. I think

1 the idea storing nuclear waste onsite is a
2 viable solution with stopping all nuclear
3 production right now, we don't need any
4 nuclear power plants throughout the country
5 and the world. That's absurd. Generations to
6 come are going to wonder why these fine minds
7 chose such a thing.

8 We have former Governor Richardson
9 stated that we are the alternative capital p-
10 the solar capital of alternative energy. Why
11 aren't we capitalizing on solar energy?
12 There's a lot of money to be made in the
13 nuclear process from the mining, et cetera.
14 Now they want to do in situ mining, where they
15 turn uranium ore into liquid form before they
16 take it out. How absurd.

17 Gentlemen, I'd ask you, and lady,
18 to please investigate the situation. Nuclear
19 power is not clean, safe, and reliable. We do
20 not want it. Dr. Richard Phillips spoke about
21 the coarse terrain in Carlsbad, and these
22 caskets, these steel caskets actually

1 dissolve, erode in five, seven years, and
2 that's acceptable to the industry. It's going
3 to wash into the Pecos, and into our ocean.

4 We do not need that. We need to
5 respect all life. All life requires clean air
6 and water, and it's basics. We have to get
7 back to basics. It all begins with respect
8 for all life. We have to remember our place
9 in this world. It's not all about money.

10 (Applause.)

11 CHAIR SCOWCROFT: Thank you, Mr.
12 Pacheco. Thank you.

13 MR. PACHECO: Also, one more
14 thing, there are -- we have a U.S.
15 Constitution, a New Mexico Constitution, where
16 our officials have to abide by laws that
17 provide for the control of pollution, and to
18 protect our environment, and we will hold you
19 responsible.

20 CHAIR SCOWCROFT: Thank you very
21 much, Mr. Pacheco.

22 (Applause.)

1 CHAIR SCOWCROFT: Our next speaker
2 is Penelope McMullen, followed by Sanders
3 Moore, and Judith Kidd.

4 MS. McMULLEN: My name is Penelope
5 McMullen. I'm speaking on behalf of the
6 Loretto Community of Sisters and Co-Members.
7 I took the train from Santa Fe this morning,
8 and with me are Sylvia Sedillo from
9 Albuquerque, and Trish Herron from Rio Rancho,
10 both Loretto women.

11 The Loretto community opposes
12 disposing high-level waste at WIPP for a
13 number of reasons. I'll just mention a few,
14 and then submit a full statement online.

15 First, the theory that salt will
16 safely encase waste containers is based on the
17 salt being dry, but the salt at WIPP is not
18 dry, and wet salt will eventually corrode the
19 waste containers. The crust formation at WIPP
20 could quickly spread any leakage into the
21 groundwater, and Pecos River, affecting not
22 only New Mexico, but also Texas, and the

1 nation of Mexico.

2 People did cheer when the first
3 shipment came through. That was mentioned
4 several times, but they didn't mention that
5 there were also people demonstrating against
6 that first shipment, and wailing.

7 We thank you for holding these
8 public meetings. I hope you will listen to
9 the public, not just to the nuclear industry
10 and government officials. The Loretto
11 community has been serving the people of New
12 Mexico for 158 years, and the health of this
13 land of enchantment, and the health of future
14 generations is one of our highest social
15 justice priorities.

16 Because of this unconscionable
17 short time for public comment, I request a
18 show of hands in the audience of how many
19 people here oppose bringing high-level waste
20 to WIPP.

21 (A show of hands.)

22 MS. McMULLEN: And I would like a

1 count taken, and the count put into the
2 record. And while they are counting, I'd like
3 to add that when I visited Carlsbad, people
4 told me there that they were afraid to speak
5 up against WIPP, because of some violence that
6 had been -- they had experienced when they did
7 speak up. And that is why maybe you didn't
8 hear from many non-WIPP-related people at
9 Carlsbad this week. Thank you.

10 CHAIR SCOWCROFT: Thank you.

11 (Applause.)

12 CHAIR SCOWCROFT: Our next speaker
13 will be Sanders Moore, followed by Judith
14 Kidd, and Lily Rendt.

15 MS. MOORE: Good afternoon. My
16 name is Sanders Moore, and I'm the advocate
17 for Environment New Mexico. Environment New
18 Mexico is a statewide citizens-based
19 environmental advocacy group with over 13,000
20 members and supporters in New Mexico alone.

21 Environment New Mexico is opposed
22 to New Mexico becoming the country's high-

1 level nuclear waste repository. We don't
2 produce any high-level nuclear waste in this
3 state, and our citizens should not have to
4 suffer the consequences of this highly
5 radioactive material.

6 High-level nuclear waste lasts
7 thousands of years, and can reek environmental
8 damage on the surrounding land and water.
9 And, in addition, it is a known carcinogen
10 causing people living in the area to pay the
11 ultimate price. New Mexico should not become
12 the nation's garbage dump for high-level
13 nuclear waste.

14 (Applause.)

15 CHAIR SCOWCROFT: Thank you very
16 much. Our next presenter will be Judith Kidd
17 of AVAT, followed by Lilly Rendt and Marlene
18 Quintana.

19 MS. QUINTANA: Quintana.

20 CHAIR SCOWCROFT: Quintana, thank
21 you.

22 MS. RENDT: Good afternoon. I'm

1 sure we're all ready for lunch.

2 First of all, I'd like to say that
3 I have been to so many of these meetings that
4 I feel like this is deja vu. I have heard it
5 all before, all the promises that nothing was
6 going to happen, that everything was so safe.
7 And I was on the cleanup committee for
8 Kirtland, and right now they're putting in
9 hundreds of wells into the south area of
10 Albuquerque because of contamination from
11 airplane fuel that was dumped there years ago.
12 And we can't always foresee the circumstances
13 that will occur as a result of our actions.

14 In the war, nobody cared whether
15 anybody dumped any airplane fuel, but I'm sure
16 that the people in that vicinity are really
17 annoyed by all the wells. And I spoke up at
18 that meeting, because I was a teacher for a
19 total of 53 years, and nobody thought about
20 the kids. These wells are going up and down,
21 up and down, and I just saw some little
22 fingers being hurt. So, I said to them, what

1 are you doing about the safety of the
2 children? And they said, we will stop the
3 wells when they go to school, and we will stop
4 the wells when they go home from school. So,
5 perhaps it might be safe for the children to
6 go despite all the wells in the south area
7 right now.

8 Well, this is the sort of thing
9 that I am trying to foresee in the case of
10 nuclear waste that is more powerful than what
11 we already have. And we have low-level right
12 now, but there have been numerous deaths of
13 plants and animals around Carlsbad. And I am
14 a biologist. I now -- the last position I
15 took was one of biology at UNM, and there have
16 been hundreds of animals dying in the last few
17 years, and I blame part of it, at least, on
18 the nuclear trucks coming through.

19 Also, the pollution of the water
20 is much more severe. I went to several water
21 meetings at -- being on the Citizens for Pure
22 Air and Water, and they said that they were

1 using 50 picocuries as their criterion. And
2 my daughter had just been taking HAZMAT in
3 California at the state university, and she
4 said, mother, California only allows 25. And
5 I notice that the allowance now is 30 parts,
6 and they told me they cut it down to 25
7 because of California's regulations. And this
8 is a little brochure that I have that comes
9 from Agua es Vida Action Team.

10 CHAIR SCOWCROFT: Thank you very
11 much, Ms. Kidd. Thank you much.

12 MS. RENDT: All right. Can I
13 finish this sentence?

14 CHAIR SCOWCROFT: Yes, you may
15 finish the sentence.

16 MS. RENDT: Okay. AVAT claims
17 that we have radium-228 in the water, uranium
18 in the water, strontium-55, and 90, 65, and
19 137 cesium have not even been explored yet.
20 And there are plutonium is also high in our
21 water. It wasn't before. I'm glad you
22 listened. Thank you.

1 (Applause.)

2 CHAIR SCOWCROFT: Thank you, Ms.
3 Rendt.

4 MR. FRAZIER: Okay. I feel
5 inclined -- sorry, General, let me -- give me
6 one second. I would appreciate very much if
7 we behaved in a more respectful manner, and if
8 we don't behave in a more respectful manner we
9 will close this meeting right now and be done
10 with it. And you can send your comments in on
11 the website, and on the -- you can email them,
12 you can send them on the website, but the
13 outbursts need to stop. Everybody gets two
14 minutes. Those are the rules, those are the
15 rules we're going to stick with. Thank you.

16 CHAIR SCOWCROFT: Thank you, Tim.
17 The next presenter is Lilly Rendt from CARD
18 followed by Marlene Quintana, and Sylviana
19 D'Ouville. That was Lilly, excuse me. Marlene
20 Quintana.

21 MS. QUINTANA: Hello. I'm been an
22 anti-nuclear activist for six years now, and

1 I've lived in New Mexico all of my life. And
2 I work hard to educate our youth about the
3 dangers of the nuclear cycle here in New
4 Mexico. And I work hard to protect our
5 future, especially for our youth.

6 I am speaking for all of my
7 family, all of my friends, my siblings, and
8 New Mexico's youth when I say we do not want
9 high-level waste coming to New Mexico. New
10 Mexico is supposed to be the land of
11 enchantment, not the land of a waste dump. I
12 feel that high-level waste should be stored as
13 close to where it's made as possible, and
14 transporting nuclear waste all over the
15 country is not a good idea, especially in
16 relation to high-level waste.

17 We were promised by the government
18 that high-level waste would not come to New
19 Mexico, and I feel that the government needs
20 to keep their promise.

21 (Applause.)

22 CHAIR SCOWCROFT: Thank you very

1 much. Our next presenter is Sylviana
2 D'Ouville, followed by Allen Cooper and Jeff
3 Radford.

4 MS. D'OUVILLE: Bienvenidos. I'm
5 Sylviana Diaz D'Ouville, and I guess we're
6 citing pedigrees here. I guess on both sides
7 of the family we've been here about, I don't
8 know, 800 years, give or take. This is a
9 theatrical and rhetorical question. How much
10 more do you demand of my poor state, and how
11 much more will the land be disrespected by the
12 nuclear industry?

13 The list of dubious excesses,
14 bombs, and unforeseen and possibly if you're
15 inclined to think so, foreseeable consequences
16 of the nuclear enterprise and actions have
17 already been listed. The fact that an
18 impoverished state like New Mexico leaps at
19 the opportunity of accepting high-level waste
20 is pathetic. If anything, it shows a
21 deplorable lack of imagination by our
22 leadership, political, past and present, and

1 our community people, or willful disregard of
2 President Eisenhower's warning about the
3 military-industrial complex and the influence
4 they might have. But follow the money, no?

5 By the way, we were dirt poor when
6 the nuclear industry came to us. And guess
7 what, we're still dirt-poor. We're
8 comfortably down there with Mississippi and
9 Louisiana, so so much for helping us out.
10 Thank you.

11 (Applause.)

12 CHAIR SCOWCROFT: Thank you. Our
13 next presenter is Allen Cooper, followed by
14 Jeff Radford, and Rosamund Evans. Is Allen
15 Cooper here? How about Jeff Radford?

16 MR. RADFORD: Yes. My name is
17 Jeff Radford. I just came in the door as my
18 name was being called, so I'm a little out of
19 breath, but I think I can do this in under two
20 minutes.

21 The name of this Commission
22 implies a broader scope than the topic which

1 I understand to be addressed here this
2 afternoon, what to do with the nation's
3 nuclear waste in the absence of disposal at
4 Yucca Mountain. So, first let me make it
5 clear what I think that any sane response
6 should be regarding -- that it should
7 encompass regarding nuclear waste disposal in
8 the context of America's nuclear future; and
9 that is, for God's sake, stop producing more
10 nuclear waste. It is patently irresponsible
11 to have incurred the production of ever-larger
12 quantities of exceedingly long-lived
13 radioactive waste for more than 60 years
14 without having a surefire means of ridding the
15 environment of this toxic threat.

16 But to the question of how to
17 proceed with selecting an appropriate disposal
18 site, my layman's experience of more than 35
19 years learning about this issue indicate three
20 levels of guidance for this Commission. One,
21 insist upon strict adherence to the primary
22 site selection criteria. The Waste Isolation

1 Pilot Plant is a good example of what not to
2 do. One of the primary criteria was to avoid
3 sites with significant natural resources. The
4 oil, gas, and potash deposits should have
5 disqualified the WIPP site immediately in
6 adherence to the site selection criteria.

7 Two, expect and recognize
8 compromised science when it appears, as it
9 most assuredly will having done so at Yucca
10 Mountain, and at the WIPP site. Regarding the
11 latter, I would refer the Commission to the
12 reputable work of Roger Y. Anderson, Larry
13 Barrows, and Richard Phillips, to understand
14 how the scientific process has been
15 systematically compromised for political
16 purposes.

17 Third, understand past failures in
18 radioactive waste handling and disposal. My
19 own understanding of the complexity of
20 persistent failures in nuclear waste disposal
21 are drawn from the experience related to me by
22 Robert A. Frosch, former Assistant Secretary

1 of the Navy for Research and Development, also
2 a former head of NASA, and now Senior
3 Associate for Science, Technology, and Public
4 Policy at Harvard's Belfer Center for Science
5 and International Affairs. Thank you.

6 CHAIR SCOWCROFT: Thank you.

7 (Applause.)

8 CHAIR SCOWCROFT: Our next
9 presenter is Rosamund Evans, followed by Floy
10 Barrett, and Catherine Montano.

11 MS. EVANS: I came to New Mexico
12 about 37 years ago. I really fell in love
13 with the beauty of this state. Over a period
14 of time, I have learned about what nuclear
15 weapons industry and the military has really
16 done to destroy this state.

17 I echo the sentiment that if the
18 Commission wants to truly look at the
19 situation in New Mexico, they need to, I
20 think, listen outside of the nuclear industry.
21 I'm very aware of how many of you here are
22 part of the nuclear industry, have earned your

1 salaries, and your prestige through that
2 industry. And those of us who are not part of
3 that, are not treated, and this is the
4 experience of many, many hearings, we are not
5 able to have the same information. And I do
6 appreciate getting the information from you.
7 The public needs that. But we're also treated
8 with a great deal of disdain, really, because
9 we're interfering with your project.

10 Because of our tax money paying
11 for very large skilled public relations firms
12 to promote the nuclear industry as necessary
13 to the economy of this state, we have accepted
14 a lot. Many of those industries have been
15 named today. We don't know the extent of the
16 damage.

17 I can tell you that I lived on the
18 Navajo Reservation, I observed firsthand some
19 of that result, but it's all over the state.
20 And you need to find that out.

21 I am opposed, of course, to
22 anything more coming to this state, any high-

1 level waste, anything more than we already
2 have accepted. And I have a perspective that
3 is different from those of you in the nuclear
4 industry. I worked in the federal government,
5 I worked on programs, I know what it is to be
6 involved in what you're doing, but this, as
7 many people have said, nuclear power is not
8 feasible economically. And the nuclear
9 weapons industry will really drive us
10 completely into the loss of the planet. You
11 cannot take something that is 10,000 years
12 requiring high-level monitoring, and not
13 expect to have some disaster around it. You
14 can't expect that. And just saying it would
15 be God's will, is not really acceptable to me.

16 I think Carlsbad has kept things
17 safe, but it's not because there haven't been
18 for 35 years people learning about nuclear
19 waste, learning about the whole cycle, and
20 learning about health effects, and pushing,
21 pushing, pushing. Some people have done civil
22 disobedience, some people have devoted, I

1 don't know how much of their time for years to
2 this project. I'm glad it's safe. I don't
3 want any more, and I really don't believe that
4 there is permanent safety there.

5 CHAIR SCOWCROFT: Thank you very
6 much, Ms. Evans.

7 (Applause.)

8 CHAIR SCOWCROFT: Our next
9 presenter is Floy Barrett, followed by
10 Catherine Montano, and Simon Polakowski.

11 MS. BARRETT: My name is Floy
12 Barrett, and I've been in New Mexico for 40
13 years. And I'd just like to share with the
14 Blue Ribbon Commission some of the activities
15 things I have participated in, and what I have
16 seen as a result.

17 And we have had years ago many
18 problems with all kinds of uranium, and what
19 has resulted with the waste. We had a big
20 meeting at Mount Taylor when we had hundreds
21 of people from four states there, and the
22 nuclear tailings were still piled high. It

1 was like a mesa out there. All these nuclear
2 tailings, and they were blowing into the
3 river, in the Pecos River. And the Navajo
4 sheep, there were hundreds and hundreds of
5 Navajo sheep that died because they were
6 drinking the water in that river.

7 In addition to the whole fact of
8 the nuclear waste, if WIPP has not proven
9 already what other people have said, that is
10 leaking, and there is leakage in the WIPP.
11 The other thing about the fuel waste, the
12 nuclear waste is that years and years ago, the
13 concern, the Union of Concerned Scientists and
14 perhaps you've heard of them, they're pretty
15 well known nationally. The Union of Concerned
16 Scientists said that you cannot transport
17 high-level nuclear waste. It is utterly
18 impossible. It will destroy anything that
19 happens along the way. And their
20 recommendation was to leave it where it is,
21 and contain it. And we do have a possibility
22 of containing it where it is. I think that

1 transportation of it is totally insane.

2 We had a spill, an overturn of a
3 truck in Las Vegas, Nevada two years ago, and
4 it took six hours for the Rapid Response
5 Network to get there. And when they arrived,
6 they didn't even have a Geiger counter to
7 check what had been released in those six
8 hours. Our Rapid Response Network has never
9 been put in place. We were promised we would
10 have that all the way down to WIPP. And you
11 can go anywhere along that route, and you
12 cannot find a Rapid Response person that knows
13 that there's going to be an alarm that's going
14 to let them know to come and check it out.

15 So, no more waste in New Mexico,
16 absolutely no more. We cannot afford this.

17 CHAIR SCOWCROFT: Thank you very
18 much, Mrs. Barrett.

19 MS. BARRETT: And thank you.

20 (Applause.)

21 CHAIR SCOWCROFT: Our next
22 presenter is Catherine Montano, followed by

1 Simon Polakowski, and Camille Kiegel.

2 MS. MONTANO: Can I have another
3 volunteer for this map? I need another
4 volunteer to help hold this map up.

5 All atomic activity must cease
6 upon the earth. There is no safe way of
7 storing it, or disposing of it, and nuclear
8 facilities are making too much of it. It is
9 the greatest crime to humanity, and all life
10 on the planet. And a lot of you say that coal
11 is what's heating up the earth, well, it's
12 not, it's radiation, nuclear radiation is
13 what's heating up our earth.

14 Mother Earth already has a degree
15 of fever caused by radioactivity, not
16 greenhouse effect, nor missing ozone. The one
17 degree has already upset the earth's
18 metabolism enough to cause many fishes in the
19 sea to migrate into colder waters. It is
20 causing ice caps and glaciers to melt.
21 Actually, the increase registered a bit more
22 above one degree and rising. Less than 10

1 more degrees of radioactivity fever will make
2 our planet a barren waste. Either we stop
3 nuclear technology, or nuclear technology is
4 going to stop all life on the planet.

5 I have sat in nuclear hearings for
6 20 years, and it was not by choice, it was a
7 divine calling. And as you look at this map,
8 New Mexico has been the sacrifice zone since
9 nuclear technology came into existence. All
10 our rivers are radioactive. Albuquerque and
11 Santa Fe are drinking radioactive water. And,
12 Commissioners, if you end up with cancer,
13 diabetes, neurological disease, losing your
14 mind because you lose your memory from nuclear
15 radiation. Diabetes is linked to radiation
16 exposure. Diabetes is rampant throughout the
17 United States. It is also rampant in our
18 children, leukemia. Yes, these trucks are
19 irradiating the people on the highways.

20 When I was in the nuclear
21 hearings, we had technicians that were
22 actually the ones that checked those drums,

1 and they came to the hearings and said that
2 the drums were being mislabeled, and being
3 shipped to WIPP. And those people were fired,
4 and they came from different facilities around
5 the country.

6 And I went to Washington last
7 year, and presented a Constitutional Letter to
8 Congress, let them know how contaminated New
9 Mexico is, and the whole United States. We
10 are in a nuclear holocaust.

11 I want you to see this map. This
12 map here shows the United States and how
13 contaminated we are. And to continue to make
14 nuclear waste is outright criminal. And
15 Obama, when he was campaigning, he said that
16 if we could not store nuclear waste safely,
17 that we would not build nuclear plants. Well,
18 no, we cannot store it safely. Down at WIPP,
19 Locheck, he knows that --

20 CHAIR SCOWCROFT: Thank you, Ms.
21 Montano.

22 MS. MONTANO: -- there is a water

1 falls that was bridged by the Department of
2 Energy since the beginning of WIPP, and yes,
3 they were illegally moving waste to WIPP
4 before --

5 CHAIR SCOWCROFT: Thank you, Ms.
6 Montano.

7 MS. MONTANO: -- WIPP was legally
8 open. They moved all the waste from --

9 CHAIR SCOWCROFT: Will you turn
10 the microphone off.

11 MS. MONTANO: -- Rocky Flats on
12 regular semis, contaminating the people. It
13 is wrong to continue with this --

14 CHAIR SCOWCROFT: Ms. Montano.

15 MR. FRAZIER: No, don't touch her.

16 (Off mic comment.)

17 CHAIR SCOWCROFT: No, don't touch
18 her.

19 MS. MONTANO: And Los Alamos Labs
20 needs to stop --

21 CHAIR SCOWCROFT: Come on.

22 (Off mic comment.)

1 CHAIR SCOWCROFT: Thank you, Ms.
2 Montano.

3 MS. MONTANO: More, and more, we
4 are drinking plutonium-238, 242, 239,
5 strontium-90. When it hits your body, it
6 pulls your body -- the calcium that goes to
7 your teeth.

8 CHAIR SCOWCROFT: Ms. Montano, you
9 are hurting your cause.

10 MS. MONTANO: You know what, it's
11 no cause, it's life on this planet. And no
12 matter where we --

13 CHAIR SCOWCROFT: Ms. Montano --
14 (Off mic comment.)

15 MR. FRAZIER: No, no.

16 CHAIR SCOWCROFT: No, no, don't
17 touch -- no, don't touch her. No, don't touch
18 her.

19 MS. MONTANO: You guys come here
20 and you say that WIPP is fine.

21 CHAIR SCOWCROFT: We're not saying
22 anything.

1 MS. MONTANO: Why don't they talk
2 about the people that have died down at WIPP.
3 There have been workers that have died down at
4 WIPP. They could have an accident in Las
5 Vegas --

6 CHAIR SCOWCROFT: Ms. Montano,
7 please.

8 MS. MONTANO: You know what, our
9 town didn't even know about it. And you know,
10 our state policemen, and everybody on the
11 highways are being radiated to death. And for
12 Obama to continue this, believe me, we have
13 the supreme law of the land, the Constitution,
14 and we will stop any elected and appointed
15 officials for what they are doing to the human
16 race and all life on the planet. And here I
17 am giving you all this letter -- let me give
18 you this letter.

19 You all have noticed that we are
20 tired of being contaminated to death. And you
21 know what, there's 15 Commissioners on your
22 committee. What are they? There's only seven

1 here. If you have 15, where are the rest?

2 You come here -- okay, let me give these out.

3 CHAIR SCOWCROFT: Just give them
4 to him.

5 MS. MONTANO: And I have named
6 every Commissioner, and I'm putting them all
7 on notice, I am putting the Congress, and the
8 President, and everybody that we are not going
9 to continue to see our children being
10 devoured, and radiation is bad, and these
11 trucks are irradiating the people, and it is
12 wrong and criminal to continue. And you
13 should be in prison for what you have done to
14 the State of New Mexico. You are a criminal
15 for what you have done.

16 (Applause.)

17 MS. MONTANO: It is criminal what
18 you have done to the --

19 (Applause.)

20 MR. FRAZIER: Okay, ladies and
21 gentlemen. We're now done for the day. Thank
22 you very much.

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I would say favor those of you
that were planning to make comments, please,
please, please email them to me. We'll make
sure that we get them up on the website.

(Whereupon, the above-entitled
matter went off the record at 1:01 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Blue Ribbon Commission on
America's Nuclear Future

Before: n/a

Date: 01-28-11

Place: Albuquerque, NM

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