DEPARTMENT OF ENERGY
OFFICE OF NUCLEAR ENERGY

Global Nuclear Energy Partnership (GNEP)
Programmatic Environmental Impact Statement

Office of Nuclear Energy
U.S. Department of Energy

Public Hearing and Invitation to Comment
November 18, 2008
9:37 a.m.
Pecos River Village Conference Center
711 Muscatel Avenue
Carlsbad, New Mexico

BEFORE: Mr. Barry Lawson

REPORTED BY:
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MR. LAWSON: Okay. It is now time to receive your formal comments on the scope of the programmatic EIS. This is your opportunity to let DOE know what you would like to see addressed in the draft document that is not addressed at present, and our court reporter will transcribe your statements. In fact, our reporter today is Mary Seal, and she's sitting right in front of me here.

Let me just review a few simple ground rules for formal comments. These are listed on a sheet that was made available to you as you came in, and displayed on this board to my left here. I would ask you to step to this microphone when your name is called, and I'll retreat to over here. Introduce yourself, providing an organizational affiliation where you feel it's appropriate. If you have a written version of your statement, please provide a copy to either Mary or myself after you have completed your remarks. Also, give us any additional attachments to your statement that you may wish to enter into this transcript and make part of the formal record. Each will be labeled and submitted for inclusion in that record.

I will call two or three names at a time -- we only have five speakers, so this should

be fairly simple -- the first speaker and the people who would be immediately following. And in view of the low number of people we have, I am going to ask you to keep your comments to five minutes, and I will let you know when you have a minute left, and if we're getting up to the maximum. I would also tell you that if we get towards the end of the five minutes, I would ask you to conclude your comments as gracefully and as respectfully as possible. However, if you wish to add comments, you may either do them in a written form, or after everybody else has had his or her first opportunity to speak, if you would like to come back and speak again, I'll open it for you to do so.

Sal Golub is going to be serving as the hearing officer for the Department of Energy during this comment period, but he will not be responding to questions or comments that you may have, but they may be put into the record and may be addressed as part of the response that the Department makes afterward.

If it turns out, as it's likely to, that after five speakers, we don't have anybody for the moment, I will call a recess, as is in my discretion, and we will stay here for at least a

little bit to see if there's any of you others who would like to speak, or if somebody else arrives to speak. When it becomes clear that we have exhausted the number of speakers, then we will call a halt to the proceedings.

Incidentally, I would also mention that when we do call the first recess after we've taken the people who have already been identified as speakers, our court reporter has agreed to take private testimony if there's somebody who would like to just speak to her and not necessarily speak in front of the whole group.

So that's it. I have five speakers, and our first speaker will be John Heaton, and he will be followed by Bob Forrest. Mr. Heaton.

MR. HEATON: I had assumed that since there were only five speakers, that rather than being limited to five minutes, it would be double.

MR. LAWSON: Would you like to have --

MR. HEATON: No, I'm just kidding.

MR. LAWSON: Most people say to me, "Do I have to speak all five minutes?"

MR. HEATON: People have heard enough from me. Thank you very much for being here. We appreciate it very much that you would come here and

put on the whole presentation that you have.

I am state representative John Heaton, and WIPP is in my legislative district. WIPP is indeed a national treasure and is a critical component to closing the fuel cycle. If we are to compete in the international economy in the century ahead of us and make a conscientious effort to control global warming, it is clear from any perspective that we will need to obtain an ever-increasing amount of our electricity from nuclear power. In fact, we will need to get at least 40 percent of a double demand by 2050. This will amount to at least 800 million watts or four times the amount of our present nuclear power capacity.

The international element of GNEP is to be lauded and praised from anyone's perspective, due to its theoretical reduction in nuclear proliferation and threat. I support it very strongly, but it is always somewhat confusing and hypocritical from the US perspective, in that it is only our foreign partners that play a role while we sit idly by because we have no real reprocessing capability in this country and no viable high-level waste repository.

Both of these capacities must be moved

forward as quickly as possible in order for us to do our part in controlling the potential for world nuclear proliferation. Make no mistake about it, because of the limits of oil resources and the climate threats from coal, nuclear power will grow worldwide. It is the only real and viable alternative to base load deployable electricity. We either address the proliferation threat of enrichment across the world or get prepared for a cold war that will make the previous one seem like child's play.

First, let me make it absolutely plain that I support closing the fuel cycle through reprocessing and a permanent repository in salt. Salt was recommended by the National Academy in 1957 and has been repeated on several occasions. WIPP has been opened for almost ten years now, and it has demonstrated it can manage waste safely and successfully. The PEIS as presented is, I believe, an improvement over the previous EIS in that the flexibility within it moves the GNEP project away from an exotic science project with no end and a cost that was probably unfathomable and a total show-stopper from any responsible budget management perspective to one that can rely on known reliable

science.

Because it is less proscriptive, I believe it is more likely to lead to a better generation of reactors that potentially use less water and are more robust. Also, the more open R&D approaches are more likely to lead to new separation capabilities that are safer and more adaptable to reducing waste and satisfying the new generations of reactors as well as the old, and on top of that, meet cost projections.

In closing, the GNEP site between Carlsbad and Hobbs is -- even though the site-specific specificity has been taken out of the PEIS, I believe that the site between Carlsbad and Hobbs is even more ideal, in that the PEIS has a very strong focus on closing the fuel cycle. It is close to the only licensed repository in the world, and it has all the geologic attributes necessary for the facility and, importantly, transportation costs are eliminated by having the facilities close together. Finally, this PEIS is more likely, I believe, to lead to an opening of a reprocessing facility as well as a final resting place for the waste in a deep geologic repository.

Thank you very much.

MR. LAWSON: Thank you, Mr. Heaton. Our next speaker will be Bob Forrest and he'll be followed by Jean-Francois Lucchini.

MAYOR FORREST: Thank you very much, and thank you for coming to Carlsbad. You know, when I got elected mayor in 1986, we had buttons saying we were going to get WIPP open in 1988, and I thought when we got through, I'd have to find other projects to work on. But I probably spend 90 percent of my time working on WIPP, and one reason we do is because it's been such a big impact on our community, and what a great success story. I think if you're going to write a book on how to open a facility and make it successful, you couldn't have written a better script, and we really didn't have anywhere to go look. We didn't go to France, we didn't go anywhere. We were cutting edge on everything. And to see all the change and what's happened, and to see our success -- in the early days of WIPP, if you go back, the lower level was for transuranic waste, but there was another level up for high level, and this was where the high level was going to come. In the early days we were having a hard time getting the transuranic waste open and they backed up and decided to just go with that, and

gosh, here we are, very successful.

Two years ago we passed the Remote Handling Waste Bill and the governor came down and signed it. He came down the week before the election of the governors race to make that signature, and gosh, that would have been political suicide three years ago, to have done something like that.

But to see how we've changed "not in my backyard" is just unbelievable, and I think WIPP's going to be the next Yucca Mountain. I don't think Yucca Mountain will ever open. The people in Nevada don't want it, and with that kind of attitude, and everything they do wrong, we seem to do right, but I think we've done a great job of selling this to New Mexico and selling it to the world, and when you turn on the news and see the crisis that we're in, and the oil prices -- and I watched everybody running for president. They said, "You know, if we could ever find a solution for the waste, I would support nuclear energy."

We have the solution to the waste here in Carlsbad. It's reprocessing. And it makes so much sense and you see what the French, what the Japanese have done, and how successful they have been, and

they still don't have a place for the waste. They're putting it in bunkers, just buried a few feet below the ground, and we have the cradle-to-grave concept and are getting DOE to buy into it. And if we could get every senator in the United States to come out here and visit WIPP, and every representative, this would be the easiest sell we have.

We have turned around some pretty big 800-pound gorillas, but we've done it by dotting our Is, crossing our Ts, we have a great work force, we have a great partnership: DOE, the community, and the contractors. Gosh, I couldn't ask for a better relationship. And to see the success that we have and to see our young people come back and work.

And you know, I think the bottom line is this story here, that three and a half years ago, LES, the enrichment facility, was looking for a home. Nobody wanted them. Louisiana didn't want them. They went off to Tennessee, and Al Gore personally, three and a half years ago, ran them out of Tennessee. And there were two towns in America that wanted LES. One was Carlsbad, one was Hobbs. And we got in an argument, or kind of a turf battle and the governor said, "Hey, you have got WIPP. LES

is going to Lea County."

Gosh, we caught a lot of criticism from the community. "Why didn't we get LES?"

That was three and a half years ago. Two towns in America wanted that facility. Six months ago, AREVA comes along. When AREVA finally made their decision, there were over 200 communities wanted that enrichment community. Remember, that's the same thing as LES, and it's gone to 200. Why? Because of WIPP. Three reasons. Number one, WIPP. Number two, WIPP. Number three, WIPP. People see the good jobs, they see how safe it is, they see how we can do things. We can put a man on the moon, we can take care of high-level waste. It's just a matter of time and waking everybody up and quit talking about all these other projects, and go to Carlsbad, New Mexico, and Hobbs.

We've got the land, we've got the partners, we've got private contractors who will step up to the plate, use some of that nuclear waste money fund that they have got, and do it the right way and quit worrying about all these other things.

But I think we've got a great challenge ahead of us. I'm willing to work on it, we're committed to making Carlsbad and Lea County, the

Eddy/Lea Alliance, the next Yucca Mountain and I couldn't have said that ten years ago without almost getting run out of town. But people are accepting that. They realize we can't depend upon foreign oil. And it just makes sense. When you turn on the TV and see that iceberg melting and you see pictures of that same area 20 years ago, it doesn't even look like the same area. Gosh, that's what it's all about.

And we have the solution, and you know, something that we did in the early 1990s -- I can remember in Santa Fe at Sweeney Hall, and we were talking about the big issue. It wasn't the waste being stored here. It was called transportation. The people in Santa Fe said, "We're going to lay down in front of those trucks. You'll never drive those trucks across our highways."

And I came home and I told my wife, I said, "You know, I don't think we'll ever get WIPP open."

And to see how we have changed all the transportation, we're hauling RH waste, over 200 shipments I think now, running up and down the highway. We got the best safety record, and you know what that RH waste container looks like? It

doesn't look like a Wal-Mart truck. Hell, it looks like a nuclear waste truck. It's got a barbell, and it doesn't take a very smart person to figure out what's in there. But it's all been done through education and people could see, "Hey, we can handle this stuff safely."

So I think we have a great future, and again, thank you for coming to Carlsbad. We're going to be back in Washington. Everyone said, "Wait until after the election."

Well, hell, the elections are over, so the gloves are back on and we're going to be back in Washington promoting the WIPP site, promoting southeastern New Mexico, but we have a great story to tell, and we need to go to chapter 2. Thank you very much.

MR. LAWSON: Thank you, sir. You ought to consider running for mayor. Our next speaker is Jean-Francois Lucchini, to be followed by Dave Sepich.

MR. LUCCHINI: My name is Jean-Francois Lucchini. I am a radio chemist and I have been working in the nuclear fuel research, nuclear waste, actually, for more than ten years. I will be brief and concise today. My name says it all. I come

from France, where our processing spent nuclear fuel is a success story for more than 40 years now. I am very happy that the US is taking the same way now with the GNEP program, and I am a strong supporter of this. I will send my written comments in details by December 16th. Thank you.

MR. LAWSON: Thank you, sir. Appreciate it.

The next speaker is Dave Sepich, and he'll be followed by Bill Addington.

MR. SEPICH: My name is Dave Sepich. I'm president of the Carlsbad Department of Development Board of Directors. And on behalf of the Carlsbad Department of Development and our membership from the business community, we would like to express the thanks to being here today and giving us the opportunity to speak.

The business community of Carlsbad has 30 years of experience, over 30 years of experience in this industry. We live, breathe, and work with the waste in the WIPP site on an ongoing basis. Members of our community are employees at the WIPP site, and we probably have the best educated populace of any city in the United States when it comes to the handling of nuclear waste.

The business community of Carlsbad represented by the Carlsbad Department of Development, wholeheartedly supports the closing of the nuclear waste cycle. Also, our membership wholeheartedly supports the WIPP site and we all believe that the WIPP site is the proper location to place the final waste and make it the repository for the waste from the processing.

So again, on behalf of the membership of the Carlsbad Department of Development, we wholeheartedly support this whole project, and of course, we support the fact that WIPP should be and is the ideal location, and this whole process can be done here in Carlsbad, and we have the expertise and the support to make it happen. Thank you very much.

MR. LAWSON: Thank you, Mr. Sepich. Our final speaker on my list right now is Bill Addington.

MR. ADDINGTON: Thank you, sir. My name is Bill Addington. I live in Sierra Blanca, Texas, a rancher and farmer there. We also own land in this county, my family. I'm here today to represent myself, but I'm also here to represent the Rio Grande Chapter of the Sierra Club, which I am on the executive committee. The Rio Grande Chapter covers

all of New Mexico and Hudspeth and El Paso Counties. I reside in Hudspeth County. I co-founded a group in 1991, the Sierra Blanca Legal Defense Fund, which was in opposition to what was called this low-level radioactive waste facility. The Texas Low-Level Radioactive Waste Disposal Authority was trying to place this in our home. Our community did not want the project. We felt we were lied to regarding the project, so we did oppose it successfully after an eight-year battle.

It took a lot out of us. We're just simple ranchers, farmers, and community. We owned a grocery, general store, there in Sierra Blanca. I got to know a lot about radioactive waste and politics, traveling to Washington, New Mexico, and throughout the border, Maine, Vermont, Connecticut and very many places, touring many nuclear power plants, radioactive facilities.

I toured all six leaking radioactive waste facilities that are low-level -- the DOE says they're all leaking -- and including Barnwell, South Carolina, where all the low-level waste goes from Texas currently, and I learned during this eight-year battle about Texas low-level radioactive waste disposal, and fighting in Congress against a

compact that would send radioactive waste to my home in Sierra Blanca, including decommissioned reactors, cement, everything -- I learned during those eight years in research and analysis about high-, medium-, and low-level waste.

I have toured WIPP, I have been underground, 2,150 feet underground. They told us, by the way, that they would never handle remote-handled waste there, and now you're getting it. So I felt it was misrepresented, even though you all may want it. That's fine. We can agree to disagree. You all are my neighbors. I don't have anything against you, and I know your community from what I see, the ones that are speaking out, at least, are in support.

But as far as what I have seen, I do take an alternate view, and I hope the alternate view, during these eight years of analysis on high, low, and medium waste -- I learned that nuclear power is the most expensive way that mankind has ever come up with to simply boil water, to generate steam, to turn turbines, to produce electricity. It's been proven time and time again, without very expensive government subsidies for the fuel, the enriched fuel, and for the construction itself, nuclear

power, in my opinion, would never have existed, and that is others' opinions that have Ph.Ds. I only have a high school education, myself. But I'll say that I am versed in nuclear power. I feel I have a Ph.D. after studying it for the last 20 years.

I also learned that nuclear power wouldn't exist without massive government subsidies for the fuel, like I say, and for the waiver, for the liability, the Price-Anderson Act, which gives a waiver for any nuclear accident, which I don't think -- so I don't think under the free market nuclear power could exist without the subsidies and the waiver of liability by the government via the Price-Anderson Act.

Reprocessing, the fundamental link between a nuclear reactor and plutonium, and a plutonium bomb -- extracting plutonium from processing can make a nuclear bomb. President Ford halted the export of reprocessing technologies, and President Carter outlawed the US commercial reprocessing in the United States in 1976.

The GNEP increases contamination. GNEP encourages nuclear bomb-making. The key component of separation is plutonium. We all have to agree, and that's what makes a nuclear bomb. So I disagree

that it closes the loop. GNEP has shown it will waste billions of dollars.

The National Academy of Science has estimated reprocessing of the entire US nuclear spent fuel inventory could easily add $100 billion dollars to our nuclear tab. So I consider this a nuclear subsidy.

The last thing -- you can tell me when I'm getting close to my five minutes -- I will add more detail and comments by December 16th.

MR. LAWSON: You have another minute or so. Take your time.

MR. ADDINGTON: Okay, sir. I believe that nuclear subsidy dollars should be diverted to safer forms of energy. Nuclear plants require a lot of water for cooling, and I don't think that there's -- in many areas of the country, water is a big issue. I know it is here in the desert Southwest, so I hope we never have nuclear power plants out here, which I have heard talk about.

We still haven't cleaned up the cold war waste, 50 years later. I think we should be focusing on the cleanup, and I don't think this is the way to do it. Reprocessing is much dirtier and much more dangerous than leaving this waste onsite.

Nuclear waste is safer stored in situ onsite until we can figure out a truly sound technology for dealing with it.

I think that the National Academy of Sciences does have problems with this, as do many national environmental and public interest groups have problems with it. I think you mentioned a letter for extension for 150 days. I think many of them have signed on to that, and I encourage you, the Department of Energy, to grant that 150-day extension for a comment period. I think that would be prudent for everybody, pro and con, whoever is for and against it.

So I just think, in closing, that we should be transferring the $302 million in fiscal year 2009 budget requests for the GNEP AFCI programs to the DOE's waste cleanup program and do not extend the 18.5 billion in nuclear power loan guarantees. Here we have another way of, in my opinion, unfairly subsidizing with these very low-interest loans, nuclear power. Sierra Club believes, as I do, as a farmer and rancher, that we should scrap the whole wasteful GNEP system, and I recommend this, as a concerned citizen and farmer and rancher, and member of the Sierra Club serving on the executive

committee. With that I'll leave my comments, and thank you for coming to visit with us today.

MR. LAWSON: Thank you very much, Mr. Addington.

I do have another speaker. Heather McMurray.

MS. McMURRAY: Can you hear me? My name is Heather McMurray. I'm a Sierra Club member, and a member of a group called the Sunland Park Grass Roots Environmental Group. Sunland Park is a small community in New Mexico right next to El Paso, Texas, at the border of Mexico, New Mexico, and Texas. We have been concerned for several years now about the contamination from what used to be the world's largest smelter. It had the world's largest cone top furnaces and had contaminated primarily Sunland Park and Mexico from the materials burned there over about 100, 110 years or more.

We presented a letter to Governor Richardson in 2006 when he visited the community, and again a month ago. Governor Richardson, despite his environmental justice order, has not addressed the evidence in our letter to him, even though he has sent various representatives down to our community.

I would really like to believe all the good things that the government is saying today, the representative, the mayor, the government. I have not been involved in issues like this very long, and I trusted my government for many years. But I attended in December a two-week hearing concerning a landfill in Sunland Park that wanted to extend its permit. Under a recent New Mexico law called the Rhino decision, they could not extend their permit without considering all the contamination on the community. This included ASARCO.

So we asked what was in the community and in El Paso from this smelter, and we couldn't find out, in this two-week hearing that ran from like 9:00 in the morning to 10:00, sometimes 11:00 at night, six days a week, in an unheated hall, not being paid.

I live about three miles from that landfill, and the landfill sends its executive VP attorney down to watch. And we began to get our technical witnesses for the landfill that we can question. And guess who they are? They are the chief communicator and lobbyist for the Lea/Eddy County Alliance that tried to arrange to contract with the GNEP. I had never heard of this group

before. It's Mark Turnbough, who is very key to the WIPP facility, and who would not answer my questions in a forthright manner.

I wondered why the nuclear lobby technical people were down in our community defending the regional landfill. I don't know to this day why. I don't know why Governor Richardson won't come down to our community and address our evidence about contamination. But I do know that in 1998, we had the highest beta radiation levels in the nation that winter, and they shut the smelter down in the spring. And they claimed, when we asked questions, that there's no contamination there to be concerned about, that the radiation level is background. We know now from a settlement document that had remained secret for eight years -- that was uncovered in 2006 -- that the EPA said to the Department of Justice in the settlement document that ASARCO deliberately and secretly burned toxic waste for profit. And this wasn't just for corporations. This was from military sources, Rocky Mountain arsenal. And though we can't confirm this, because the person doesn't want to go on record, and they told a family member who told a family member of mine, apparently -- and I can't confirm this --

that Rocky Flats plutonium site came to El Paso. Whether that came to the smelter, I don't know.

You want to develop an industry here that you say is safe. And I'm telling you that we're dealing with a problem in El Paso and Sunland Park where we can't get straight answers from the EPA and the TCQ in our government already, where we can't find out what the actonite level is in our community. There isn't any data. Where we can't find out what the dioxin levels in our community are. There's no data. Where we can't find out what the PCB levels are in our community. There's no data.

And yes, you're claiming that if you open this site, that all these environmental agencies that are lying to us down there and that we have proof, written proof, have lied to us are going to watch over you as carefully as these people are claiming. And I want to suggest to you that until we have a government that is working and not broken, and an oversight that is working and not broken, that there remain a huge amount of questions for your community, and whether they will affect you, I don't know. Whether they will affect your children, I don't know. Whether they'll affect your

grandchildren, I don't know.

But these materials that you're talking about will remain here and travel through sink holes and fissures and eventually, if they are not contained, well, somebody will be dealing with them. We need to contain those safely, but what would be better, in my opinion, is to develop alternative sources of energy that do not involve something this dangerous, so we don't have to deal with the problem in the first place. Thank you.

MR. LAWSON: Thank you very much.

Is there anyone here who would like to speak at this time that has not?

All right, as announced earlier, we'll take a recess, and I'll determine arbitrarily how long that will last. But anybody who would like to speak, please either sign up or come and talk to me and we'll put you right on. As I indicated also, if you prefer not to do it in public but would like to have a private seance with the court reporter, you may do that.

So what I'm going to do now is, I'm going to recess until somebody comes to me or I determine that it's time to close the hearing. For those of you who have come and spoken, thank you very much

for your thoughtful comments. I know that DOE appreciates that, and I appreciate anybody else who came to listen. You certainly are welcome to mill around and talk and ask questions, if you like. But if you choose to go, thank you very much for coming. This hearing is now recessed for the time being.

(Recess from 10:11 a.m. to 10:40 a.m.)

MR. LAWSON: Is there anyone else who would like to speak? If not, I'll close the process down.

Okay. Let me read a few things into the record. This would conclude this public hearing on the draft GNEP PEIS. I thank all of you for your participation and your comments, and I would note that you may continue to submit comments on the scope -- not the scope, but actually the contents of the PEIS until the comment period closes on December 16th. It still is the 16th. It has not been officially extended, and you have this information here and in your packet.

This is how to submit comments.

I want to thank our court reporter, Mary Seal. I want to note that there's a comments sheet out there if you want to take one for sending comments later. We're meeting tonight in Roswell.

The open house begins at 6:00, the presentation, and comments start at 7:00.

Sal, anything you'd like to say?

MR. GOLUB: No.

MR. LAWSON: Okay, great. Thank you all for attending, and happy Thanksgiving.

(The proceedings concluded at 10:42 a.m.)

STATE OF NEW MEXICO
ss
COUNTY OF BERNALILLO

REPORTER'S CERTIFICATE

I, MARY ABERNATHY SEAL, New Mexico Certified Shorthand Reporter, DO HEREBY CERTIFY that I did administer the oath to the witness herein prior to the taking of this deposition, and that I did report in stenographic shorthand the proceedings set forth herein, and the foregoing is a true and correct transcription of proceedings.

I FURTHER CERTIFY that I am neither employed by nor related to any of the parties or attorneys in this case, and that I have no interest whatsoever in the final disposition of this case in any court.

_____

Mary Abernathy Seal
Certified Court Reporter #69
License expires: 12/31/08

(1445D) MAS
Date taken: November 18, 2008
Proofread by: KW