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SCOPING MEETING FOR PREPARATION)
OF AN ENVIRONMENTAL IMPACT)
STATEMENT FOR A REPOSITORY AT)
YUCCA MOUNTAIN, NEVADA)

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Baltimore, Maryland
October 11, 1995

Hearing in the above matter held at the
Maritime Institute of Technology and Graduate Studies,
5700 Hammonds Ferry Road, Baltimore, Maryland, before
Dianna C. Kilgalen, RPR, beginning at 8:30 o'clock a.m.

PANEL MEMBERS:

WENDY R. DIXON, EIS Project Manager
DR. JEAN L. YOUNKER
DR. TED B. DOERR
DR. STEVEN J. MAHERAS
WILLIAM A. FREELAND

MEETING FACILITATORS:

CATHERINE TICE
KEITH JULIAN

Reported by:
Dianna C. Kilgalen, RPR

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PUBLIC IN ATTENDANCE:
Karl Novak.
Paul Langosch.
Barbara Stevens.
Fred Miller.
Joe Strolin.
John Dossett.
Robert Holden.
Eileen Supko.

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1 MS. TICE: I only see a see a few hands.
2 I believe we will have enough time. In order to
3 maximize the time that we have available, I would ask
4 that you keep your questions brief and to the point.

5 I want to remind you also that there are
6 Department of Energy representatives in the exhibit room
7 who will be available this morning and afternoon to
8 answer additional questions you may have. Again, you
9 may use any of the methods we mentioned earlier to
10 submit comments and questions.

11 We have a few additional ground rules and
12 procedures to review before we begin. These are
13 summarized on the posters that are on the wall, and also
14 outside the room in the handouts, I believe.

15 Again, a reminder, today's proceedings are
16 being recorded word for word by the court reporter. The
17 transcript is a part of the official record. We ask
18 that when you ask your question, you identify yourself
19 and speak slowly and clearly into the microphone that is
20 here in the center of the aisle so that the court
21 reporter can record your questions accurately.

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1 Please be courteous and respect the views of
2 others. If you have cellular phones or beepers, turn
3 them off. And please refrain from having side
4 conversations during the question and answer period.

5 Just raise your hand to be recognized for a
6 question. I will keep track of questioners in the order
7 I see hands go up and call on people. You don't need to
8 stand in line or verbally indicate your desire to ask a
9 question. We will keep track of it.

10 I would like to ask importantly that you save
11 your comments for the formal comment segment later this
12 morning. This question and answer period is really a
13 very good opportunity to ask constructive questions and
14 to gain additional insight and get additional
15 information on the repository Environmental Impact
16 Statement and the project.

17 Initially, I would like that you ask one
18 question at a time. We will kind of rotate around
19 through questioners so that everyone does have the
20 opportunity to ask their question.

21 With that, we are ready for the first question.

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1 I believe I saw a hand here on the right.

2 MR. NOVAK: My name is Karl Novak. I'm
3 from Pennsylvania. One of the items I had here, I
4 didn't hear terrorism mentioned this morning. Terrorism
5 is certainly a blight of our times. I was wondering if
6 anybody has formally included that as part of the EIS
7 system.

8 MS. DIXON: As it relates to potential
9 impacts at the repository itself and during
10 transportation, I presume?

11 MR. NOVAK: That is exactly right,
12 primarily as it moves through Pennsylvania, and, for
13 that matter, any state in our union.

14 MS. DIXON: Our Environmental Impact
15 Statement will look at accident scenarios as it relates
16 to transportation, including things that are, as long as
17 they are reasonably entertained and reasonably feasible,
18 low probability but very high consequence. Steve, would
19 you like to add to that?

20 DR. MAHERAS: I agree that terrorism is a
21 blight on our times. It is a shame that we have

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1 accidents like the one that just occurred in Arizona.
2 The Department of Energy is, of course, concerned about
3 terrorism and these kind of acts on its shipments.

4 One of the things that we have to point out is
5 that the casks are not designed to be proof against a
6 terrorist attack. But because they are so large and
7 heavy and have so much steel in them, they have been
8 found experimentally to be quite adverse to terrorist
9 attack.

10 They have done experiments at SNL where they
11 put explosives besides the casks and blown them up,
12 where they have taken the casks up in a helicopter and
13 dropped it onto the desert floor to mimic it plunging
14 off a bridge.

15 So we incorporate by our accident analyses
16 those kinds of impacts into the cask design.

17 MS. TICE: I would like to just clarify.
18 Steve referred to SNL. That is Sandia National Lab.
19 Question? I saw a hand on this side of the room. The
20 gentleman in the blue shirt.

21 MR. LANGOSCH: My name is Paul Langosch.

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1 I'm from Silver Spring, Maryland. I'd like to know that
2 since there is such a long period of time between the
3 Impact Statement and when the transportation is actually
4 going to begin, for instance, where I live in Silver
5 Spring, 495, the Beltway, is very overused road that is
6 going to have a lot of problems in the next five or six
7 years.

8 I want to know what the Department of Energy is
9 doing to anticipate the conditions of the interstates
10 through urban areas when the transportation of this
11 material is actually going to occur.

12 MS. DIXON: I will start that off and hand
13 it over to Steve as our transportation expert. I guess
14 I need to emphasize the fact that routing of spent
15 nuclear fuel and high-level radioactive wastes on our
16 interstates is not something that is regulated by the
17 Department of Energy.

18 We are required to follow DOT preferred routing
19 requirements. Now, the reason why the Department of
20 Transportation has set it up in such a fashion that the
21 state can come up with preferred routes contrary to what

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1 is already in existence within DOT, i.e., the
2 interstates and the shortest distance between two
3 points, is done in recognition of the fact that the
4 various states out there know more about their state
5 than DOE or DOT or any other Federal agency does.

6 If the state wants to come up with a preferred
7 route to keep something away from an area they think is
8 risky or hazardous, the state has the ability, through
9 the guidelines published by the Department of
10 Transportation, to do just that. Steve, do you have
11 anything.

12 DR. MAHERAS: In addition, at the time the
13 decision is made on the route, they take into account
14 population density along the route. And if the state
15 has allowed an alternative way to get from Point A to
16 Point B, that would be considered in the routing
17 decision.

18 MS. TICE: I see the lady in the white
19 jacket was first, and then you will be next.

20 MS. STEVENS: My name is Barbara Stevens.
21 I'm from Greenbelt, Maryland. Three questions about the

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1 realization that you will have to expect an earthquake.

2 MS. TICE: Would you like to take them one
3 at a time?

4 MS. STEVENS: Yes, one at a time.

5 MS. TICE: Okay.

6 MS. STEVENS: An earthquake undoubtedly
7 will happen in that area with considering such a long
8 period of time for storage of the waste. I didn't hear
9 you speaking we are going to have an earthquake
10 somewhere sometime, no doubt about it, over such a long
11 period of time.

12 MS. TICE: Your question is what study is
13 being factored into the EIS on seismic activity?

14 MS. STEVENS: Yes.

15 MS. DIXON: I will kick that off. I would
16 like Doctor Younker to add to that with the work she has
17 been doing. Seismicity -- potential effects as it
18 relates to the earthquakes certainly is something that
19 we have been looking at and studying through our
20 analyzing site characterization.

21 MS. STEVENS: I might have missed your

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1 presentation of that.

2 MS. DIXON: Not a problem. It is
3 something that we have been looking at through our site
4 characterization process in order to understand whether
5 or not this is, in fact, a suitable site for a
6 repository.

7 The area they have selected for a potential
8 repository, Yucca Mountain, is an area that was selected
9 looking at where existing faults currently are, plus
10 design for potential earthquakes is something that is
11 fed into the design of the repository, both underground
12 and more importantly, on the surface.

13 There have, in fact, been earthquakes in the
14 area of Yucca Mountain. There was one about twelve
15 miles from Yucca Mountain that was over five, on the
16 order of five in 1992, I believe, in a place called
17 Little Skull Mountain. We used the data from that
18 earthquake to help us in our analysis tied in the
19 design.

20 In fact, there were a couple of tunnels in
21 Little Skull Mountain which were right on top of the

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1 epicenter. We went in and checked them out, after the
2 earthquakes. There was no structural damage at all that
3 you could see as a result of the quakes.

4 But the long and the short of it is it is
5 something we are looking into very seriously as part of
6 our analysis.

7 DR. YOUNKER: I think Wendy has covered
8 about all of the points. When we look at it from the
9 standpoint of the safety aspect of it, what would happen
10 underground, it turns out whether the earthquake will
11 cause any additional water to get to the waste that
12 would be a problem.

13 There are not very many ways we can figure out
14 where the earthquake would cause more water to contact
15 to the waste, since that is the real safety issue.

16 MS. STEVENS: The next question is
17 concerning the monitoring over the long haul,
18 monitoring. Is that in your plan? A very complicated,
19 hopefully very detailed, with money available or
20 figuring out how to make money available for monitoring
21 over the million, however long, the uncountable years?

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1 MS. DIXON: The system was set up, the Act
2 was set up such that there would be a period of time
3 called the retrieval period. We are looking at a
4 hundred years for that time frame right now, where there
5 would be very extensive monitoring going on, and a
6 decision made before we ever closed the repository that
7 could tie to two different things, maybe more than that
8 before the time that 100 years was up.

9 Principally, if within this 100 years, is there
10 something economically viable with respect to the spent
11 fuel. If the country gets into reprocessing again or
12 whatever, you might want to retrieve the material.

13 If the decision is made to respace or change
14 the spacing based on the data that we acquire through
15 monitoring during that 100-year time frame, you can get
16 in there and modify the spacing between your waste
17 packages. If during that 100 years, Congress at that
18 point in time or the government at that point in time
19 elects to leave the facility open for a longer period of
20 time, it can also do that.

21 Once the facility is determined to be closed

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1 and it is backfilled, monitoring underground was not the
2 long-term plan. The long-term plan was to have the
3 repository, the natural system of the repository contain
4 the waste.

5 MS. STEVENS: So after 100 years, it is
6 gone? There is no contact with humanity with it? Okay.
7 The next question is hard for me to put. But many
8 scientists feel that small levels of radiation are very
9 dangerous, and I gather that the DOE has never
10 acknowledged that.

11 I feel that this Impact Statement, since it is
12 affecting so many huge populations on the East Coast,
13 had better, please. The question is are you going to
14 address the scientists' claim, the other scientists'
15 claim that small amounts of radiation of much smaller
16 levels cause cancer, cause people and babies to be
17 deformed?

18 The question is, you know, what about people
19 sitting at the railroad crossings and behind a truck on
20 the beltway? Where I come from this, most passionately,
21 is from the DOE hearings that presenters are saying

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1 well, the truck drivers will be driving really fast.
2 They are not going to stop. They are getting the doses
3 of radiation the whole way.

4 This is from the DOE, you know, maybe you. I'm
5 saying, okay, you must, in your Impact Statement, look
6 again at the dissenting scientists who spell out doom
7 for fetuses and things, people getting leaking doses off
8 of trucks and casks.

9 MS. TICE: Is your question --

10 MS. STEVENS: Are you going to study those
11 other scientists who claim damage from lower levels of
12 radiation that come from not an accident?

13 MS. DIXON: I'm going to kick this off,
14 and then I would like Steve to tie into one part of your
15 comment, and Ted to the other.

16 With respect to the overall premise about even
17 small amounts of radiation are harmful to the human
18 being, we all receive radiation, normal background
19 radiation around 300 millirem on an annual basis just
20 for a living.

21 If you live in Denver or a higher area than

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1 others, you have more radiation. If you fly in
2 airplanes, you have more radiation. We cannot get away
3 from radiation.

4 MS. STEVENS: Accepting that, knowing
5 that.

6 MS. DIXON: Steve, do you want to kick
7 off?

8 DR. MAHERAS: In the dose assessments that
9 are done for the Repository EIS, they do plan to
10 evaluate the normal operational dose assessments that
11 occur because of not accident conditions.

12 The end point in those calculations is
13 typically a dose that is then converted to the number of
14 cancers that could be expected to occur in the affected
15 population. And in addition, you can convert that dose
16 to the number of genetic effects and to other effects
17 that you can quantify.

18 Now, the Department of Energy plans to use
19 estimates for those conversion factors that are
20 developed by other international organizations as
21 consensus estimates developed around the world.

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1 So we are not just relying upon the Department
2 of Energy folks to make these estimates of cancers, but
3 we are relying upon the international community to tell
4 us what their best estimate of the conversion of dose to
5 cancer is.

6 MS. STEVENS: How do we know that you are
7 not just consulting the ones that agree with you? I
8 mean, are you going to go on a whole gamut?

9 DR. MAHERAS: Because these reports are
10 reports that are usually freely available to the public.
11 The data is available to the public. In addition, the
12 results are published in journal articles that other
13 people around the United States have reviewed.

14 MR. DOERR: Let me just add one more tick
15 to what Steve said. The requirements for the
16 Environmental Impact Statement, there are two
17 requirements. One is to identify levels of uncertainty
18 relating to information in our existing knowledge.

19 The other requirement is there information that
20 may be competing related to levels of uncertainty
21 related to impacts. We would be taking a look at those

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1 as they relate and are relevant to the proposed action
2 and the potential consequences.

3 MS. STEVENS: Thank you.

4 MS. TICE: I have a gentleman in the back
5 of the room.

6 DR. MILLAR: Hi. I am Fred Millar. I'm
7 with the Nuclear Waste Citizens Coalition. I would like
8 to respond and ask a question about the routing. It
9 seemed to me when the routing question came up earlier,
10 the basic impression was left that there is something
11 rational about the routing situation that we have now.

12 I don't think we ought to leave here with that
13 impression. I want to particularly talk to your
14 transportation expert. Correct me if I am wrong. My
15 understanding is that we have a Federal routing
16 regulation for only high-level nuclear waste trucks.
17 Namely HM164, which is the Federal regulation that was
18 passed some years ago, mainly, in order to force nuclear
19 shipments through New York City.

20 DR. MAHERAS: It applies to spent nuclear
21 fuel.

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1 DR. MILLAR: Highway controlled quantities
2 of nuclear material would be the technical term. That
3 was passed after many years of controversy in order to
4 force nuclear fuel by truck through New York City.

5 We do have a Federal routing regulation for the
6 highway shipments of high-level nuclear material.

7 Secondly, there is no rail routing regulations
8 for Federal. There is no barge routing regulations. I
9 want to clarify for people if they come away with the
10 impression there is some kind of a rational system here
11 we have a difficult question to ask of you.

12 The third thing is that in terms of the state
13 routing, my understanding, I may be wrong again, is that
14 there is only one state that has designated routings in
15 a thorough way, and that is Colorado. Now, maybe there
16 is some additional thing you can enlighten me about
17 that.

18 I think we certainly do want to say that the
19 majority of states that would be impacted by these
20 shipments, namely, 43 states, I would like to know how
21 many states of those that passed what you consider to be

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1 adequate routing regulations that could handle the
2 shipments?

3 MS. TICE: Is that the question? Do you
4 want to do that first?

5 DR. MILLAR: That is sort of a
6 subquestion.

7 DR. MAHERAS: The number of states is ten
8 states across the United States.

9 DR. MILLAR: Highway regulations?

10 DR. MAHERAS: Exactly.

11 DR. MILLAR: Any for rail regulations?

12 DR. MAHERAS: No.

13 DR. MILLAR: I want to mention an incident
14 which kind of leads to the dilemma that I think the
15 Department has on this. A Navy torpedo truck turned
16 over in Denver at the major intersection of the two
17 interstates that crossed in Denver.

18 It snarled traffic in Denver. They closed down
19 the interstates in all directions for five miles. It
20 snarled traffic in Denver all day long. When
21 Representative Pat Schroeder wrote a letter to Defense

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1 Secretary Weinberger and said what was your Navy torpedo
2 truck doing in downtown Denver, you know what the answer
3 she got was from Cap Weinberger?

4 He wrote a letter, Dear Pat: Well, in effect,
5 he said, you know, we don't have routing on our trucks
6 for Navy torpedos. We just put them on the truck at one
7 end of the country and say go to New London, Connecticut
8 at the other end of the country, and obey all laws, and
9 good luck, boys.

10 Now that is a major shipper of very dangerous
11 materials that looked very irresponsible when their
12 cargo had an accident in a metropolitan area. So I
13 guess, you know, this was A Risk Trucking Company that
14 chose those routes. And the reason they had gone
15 through Denver was instead of going Interstate 90 or
16 Interstate 80, they dropped down to go Interstate 70 in
17 order to avoid the tolls on the Indiana Turnpike and
18 Ohio Turnpike.

19 This is not a rational routing system for
20 hazardous materials that we have in the United States.
21 As a major shipper of the nuclear waste, you have been

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1 handed that lovely job, obviously, the question comes up
2 why isn't DOE accepting the responsibility to choose
3 those routes as a major shipper?

4 I'm not saying that you are the only people who
5 could do that. You can force the carriers to do that.
6 Maybe A Risk Trucking Company is still in business or
7 Tristate or whoever. It is not a very credible program
8 for the Department of Energy saying we are going to have
9 the carriers out there and they will choose the route.

10 We don't know when they are going to choose
11 them. So we can't exactly do the detail, a mile-by-mile
12 analysis of the dangers, and we can't go to the states
13 and say what do you think about this route, what do you
14 think about that route?

15 I partly want to suggest isn't it the case that
16 the Department is getting itself into more and more of
17 an irrational bind if they don't come out fairly early
18 with a set of proposed routes, and then let the state
19 and local officials enlighten people about the dangers
20 and difficulties of those possible routes?

21 DR. MAHERAS: I'm not sure what the

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1 question was.

2 MS. TICE: Dr. Millar, could maybe we
3 refocus that? It is a two or three-part question. I
4 think initially your question was why isn't DOE taking
5 primary responsibility for identifying routes?

6 DR. MILLAR: That is the key question.

7 DR. MAHERAS: First of all, the statutory
8 responsibility does not belong to the DOE. It belongs
9 to the Department of Transportation. That is what the
10 law says.

11 So if the DOT would like us to route spent fuel
12 shipments a different way, then the DOT, being the
13 agency of the government that is responsible for
14 protecting the public's health and safety in areas of
15 transportation, both truck and rail, has got to pass the
16 law that says that it is the DOE's responsibility to do
17 that. The DOE can't take that on itself.

18 DR. MILLAR: The DOE is a major shipper of
19 a major hazardous cargo. They certainly can tell their
20 carriers where to go. They can certainly tell their
21 carriers we are not going to hire you as a carrier

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1 unless you go on our designated or the routes that we
2 have chosen.

3 I mean, if you just talk to any major shipper
4 in the country, DuPont, Dow and Monsanto, and ask them
5 do you feel free to tell your carriers to avoid Chicago?
6 What do you think the answer to that question is going
7 to be? Please don't say that DOT has a regulatory
8 responsibility. I'm talking to you as a shipper.

9 MS. TICE: Dr. Millar, could you let Dr.
10 Maheras finishing answering the question, please?

11 DR. MAHERAS: In addition, I think you are
12 confusing the way that other commodities are shipped,
13 not spent fuel type commodities, with the way spent fuel
14 is shipped. The Department of Transportation has told
15 both the commercial industry and the DOE that those
16 commodities have inherently a higher hazard, and they
17 have to follow different rules.

18 So the routes have got to be preapproved by the
19 NRC, and the procedures for a deviation from the route
20 are also preapproved by the NRC. So it is not like you
21 throw the guy the keys at the gate to the nuclear power

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1 plant, tell him he has to be on the East Coast in a week
2 and he just goes. No. He has to follow a route plan
3 that is approved by the NRC and follows the DOT rules.

4 DR. MILLAR: Let me clarify for people who
5 don't know this. The NRC route is chosen for security
6 purposes, not for safety purposes, and the carrier
7 chooses the route and goes to the NRC and asks for
8 approval, right?

9 DR. MAHERAS: In addition, though, the NRC
10 requirement says that you have to comply with the
11 Department of Transportation rules. They are not going
12 to approve a route that doesn't comply with the DOT
13 rules. Terrorist aspects, as we have seen just today,
14 are an important consideration in any type of
15 transportation.

16 DR. MILLAR: So, I mean, the Department of
17 Energy's current position is that as a major shipper of
18 this cargo, they do not accept the responsibility to
19 basically designate those routes; is that correct?

20 DR. MAHERAS: It is a state responsibility
21 to designate preferred routes, if that is what you are

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1 getting at. It is a state responsibility.

2 DR. MILLAR: I understand.

3 DR. MAHERAS: It is a state
4 responsibility, though. That is what the law says. The
5 DOE cannot --

6 DR. MILLAR: The law doesn't say that. I
7 think you are misleading people about that.

8 DR. MAHERAS: No, I don't believe I am.
9 The law says it is the state's responsibility to
10 designate preferred routes, correct?

11 DR. MILLAR: It also says the states may
12 designate preferred routes. The law does not state that
13 the states choose DuPont's routes. The states don't
14 choose DuPont's routes.

15 DR. MAHERAS: But if the state has got a
16 problem with a particular route, then they have the
17 flexibility to say go Route A instead of B.

18 DR. MILLAR: I understand the
19 possibilities. I'm saying if you have 43 states
20 impacted, it is not a credible political position on the
21 part of the Department to basically be punting that

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1 responsibility to a whole bunch of states out there,
2 especially, given the fact that if Congress wants to
3 hurry up and move this stuff in 1998, here we are
4 sitting in 1995 with no adequate time to do any of those
5 preparations that is necessary for choosing those
6 preferred routes, and training and equipping people
7 along routes.

8 I'm just trying to say it seems to me, I want
9 to clarify your Department's position at this point, it
10 seems to me you are still in a decade's long position of
11 not accepting responsibility to choose those routes. I
12 think it is not going to work to your benefit.

13 MS. TICE: Dr. Millar, I might suggest
14 that some of the questions you asked be reformulated
15 into comments and it might be very helpful to present
16 the Department during the formal comment segment. Do we
17 have any other questions?

18 Okay. The gentleman who is right here next to
19 the microphone. Then Mr. Strolin and you will follow.

20 MR. NOVAK: He should be first. I have
21 already spoken once.

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1 MS. TICE: That is fine. He actually made
2 the signal for you to go first, but that is okay.

3 MR. STROLIN: My name is Joe Strolin, and
4 I represent the State of Nevada Agency for Nuclear
5 Projects. We have been covering all of these meetings.
6 We try not to monopolize the question and answer
7 periods.

8 Two things, one comment and question on the
9 routing issue. As Doctor Millar pointed out, I think
10 there are alternative ways of approaching routing. The
11 Western Governors Association, the Western Energy Board
12 the Southern States Energy Board, Midwest Council of
13 Governments have all worked closely with the Department
14 of Energy's transportation people in the last ten years
15 basically moving people very slowly toward the
16 realization that yes, this is a national problem, and
17 yes, we really need to do something on transportation
18 routing, and that we can't leave it to the states.

19 I think that you perhaps haven't been involved
20 in those sorts of discussions. You may be, you seem to
21 be backing off what has been a position that the

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1 Department of Energy has been moving toward in the last
2 ten years.

3 I think there is a real responsibility here
4 that the Department of Energy or the Federal agency
5 needs to take to coordinate a selection of routes for a
6 shipping campaign that is going to incorporate thousands
7 of highway shipments over a 28 to 30-year period. I
8 think leaving it to the states is very unrealistic.

9 That kind of rolls into the first. The first
10 question was has the Department of Energy determined at
11 this point whether or not you are going to, as part of
12 your Environmental Impact Statement, you are going to
13 work toward or incorporate an actual route-specific
14 analysis of transportation and transportation risks, or
15 whether you will be doing another sort of generic
16 analysis as has been incorporated in the environmental
17 assessments for the Yucca Mountain and other sites in
18 the 1980s?

19 MS. DIXON: Joe, what we plan on doing in
20 this Environmental Impact Statement is looking at
21 representative routes from the reactor site to Las Vegas

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1 or to the Yucca Mountain in Nevada, representative
2 routes using, you know, the different types of computer
3 modeling and programming available to us to use, using
4 route specific population information, using state level
5 accident information. So that is where we are moving
6 right now in this Environmental Impact Statement.

7 MR. STROLIN: When you will be
8 incorporating issues, will you be incorporating reactor
9 specific conditions, infrastructure and reactor
10 capabilities in terms of identifying modes? Will you be
11 incorporating things like barge capabilities, barge
12 transportation, barge to rail transport in that
13 analysis?

14 MS. DIXON: Steve, do you want to go into
15 that?

16 DR. MAHERAS: I guess it is my turn again.
17 As far as the truck and train issue, the mode will
18 split. We do plan on evaluating 100% truck as an upper
19 bound on potential impacts, and then a case to present a
20 lower bound where we evaluate, based on the
21 infrastructure that is available at the reactor and

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1 could conceivably be upgraded in the future, train
2 cases.

3 So we come out in our calculations with
4 somewhere around four power plants that would have to
5 use truck. The rest could use train, but that could be
6 up to as high as around 10 to 20 reactors that might
7 have to use truck.

8 MR. DOERR: In addition to what you
9 mentioned, Joe, was barging and intermodal barging would
10 also be considered as part of that.

11 MR. STROLIN: I will save my last question
12 for later. Thank you.

13 MS. TICE: Mr. Novak?

14 MR. NOVAK: I'm very concerned about --
15 Mr. Novak is my name again. I'm very concerned about
16 the canisters. I don't know if that is being part of
17 the EIS program or not. But the canisters, I do believe
18 that they are vented. I would like to get that
19 clarified.

20 MS. TICE: Do you want to go ahead and get
21 that question answered?

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1 MR. NOVAK: Yes. Are they actually vented
2 in their design, or are they completely enclosed and
3 there is no venting whatsoever? .

4 DR. MAHERAS: Are you asking about
5 transportation?

6 MR. NOVAK: I'm talking about the
7 multipurpose canister that is going to be used to
8 transport this stuff all the way out west.

9 DR. MAHERAS: After you put the fuel
10 inside the canister at the reactor facility, it is
11 sealed. It is not vented anymore, unless it somehow
12 breaks. That would be an accident condition. Then it
13 goes into a transportation container. It is sealed
14 inside that container.

15 MR. NOVAK: There is nothing coming out of
16 that container?

17 DR. MAHERAS: Welded shut.

18 MR. DOERR: Once is welded at the reactor
19 site, it remains sealed and welded until it reaches the
20 repository service facilities.

21 During the first years, the estimate is there



1 will be some number of canisters, those MPCs, if MPCs
2 were used, that would be reopened for a variety of
3 reasons, but they would be resealed.

4 When they are opened, they are opened in hot
5 cells with filter systems to again minimize and meet air
6 emissions standards and requirements. But during
7 transportation, they are sealed.

8 As Steve said, you have the multipurpose
9 canister, which is sealed at the reactor site. Then
10 that is slid into a transportation cask and sealed,
11 shipped across the U. S. to the repository service
12 facility where the transportation container, or excuse
13 me, transportation cask is opened, and the MPC is
14 removed and then handled as appropriate.

15 MS. DIXON: I guess as another add-on,
16 too, and Steve referred to it a little earlier, but the
17 casks that are used have to be certified by the Nuclear
18 Regulatory Commission. To get your certification, you
19 have to be able to show that this cask can withstand a
20 number of accident scenarios.

21 There is a whole list that have been tested and

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1 analyzed, too, such as fire, such as water, such as drop
2 tests, to ensure the integrity of the cask design and
3 protect the population.

4 MR. NOVAK: Are any of these design casks,
5 are any of them done with the actual fuel inside the
6 cask to really give us the ultimate test?

7 DR. MAHERAS: No. The tests are usually
8 conducted on computer models, or else on a scale model
9 test without any fuel inside.

10 MR. NOVAK: So we really don't know what
11 would be the end result with the real thing in a
12 canister?

13 DR. MAHERAS: No. No. That is not true.
14 Because we do do the computer runs, and we do do the
15 scale model testings. And we use other things inside
16 the cask besides spent fuel, so we don't contaminate the
17 first cask so we can't do Test Number 2. Do you see
18 what I'm saying?

19 MS. DIXON: There are ways to use tracers
20 or other things to find out whether or not there has
21 been --

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1 MR. NOVAK: It is all theoretically okay,
2 but it isn't reality, is it?

3 MS. DIXON: I don't think that is what he
4 was saying. You can run the same kinds of analyses.

5 MR. NOVAK: I'm saying essentially, what
6 you are doing is all predicated on something that you
7 hope is reality but is not reality.

8 DR. MAHERAS: But the computer codes that
9 are used to do these analyses have been tested against
10 experiments that use casks and crash them into walls and
11 other barricades. So the computer codes have gone
12 through a great deal of experimental work to generate
13 data to make sure that the predictions are okay.

14 MS. DIXON: I think as another point, too,
15 real time tests, which I think you are heading towards,
16 is that spent nuclear fuel and high-level radioactive
17 waste have been transported on our nation's highways now
18 for decades.

19 Over the period of decades, there has not been
20 a transportation on the highway that has resulted in the
21 release of radioactive materials, you know, to the

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1 environment.

2 MR. NOVAK: I guess we just have been
3 fortunate to date. Essentially, what you are saying is
4 we are not talking, in the past 25 past years, as to
5 what has been published in one of your handouts here, it
6 is a small number compared to what we are looking to in
7 the next 25 years.

8 In fact, in Pennsylvania we are looking at
9 6,000 canisters going through our fair state. That is
10 substantially more than has been transported in the last
11 25. That is not the sum total of what is going to be
12 transported throughout the United States.

13 I don't think we can really logically say it
14 has been okay for the last 25. Therefore, it is going
15 to be okay because of what we are going to do in the
16 next 25.

17 DR. MAHERAS: Well, I guess I believe that
18 you, to make your own -- by the procedures that you
19 follow, by the cask testing that you do, by the
20 oversight that you have on the program, that we're
21 conducting our transportation affairs in a safe manner.

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1 MR. NOVAK: We certainly hope so. Thank
2 you.

3 MS. TICE: Do we have any other questions?
4 Mr. Strolin, did you have another question? No. Any
5 other questions for the panel at this time?

6 MS. TICE: One more, Mr. Novak?

7 MR. NOVAK: Yes, I have one more. In your
8 presentation, essentially, you said that there would be
9 no alternative sites to Yucca Mountain. This is
10 ordained by Congress. Is that true?

11 MS. DIXON: Yes, sir.

12 MR. NOVAK: At the same time, you are
13 saying the alternative of considering no action at all
14 is also being considered. Is that true?

15 MS. DIXON: That is also true.

16 MR. NOVAK: Don't they conflict with one
17 another?

18 MS. DIXON: It is a bit confusing. I
19 can't argue that. Congress gave us the road map that we
20 described in that presentation that says alternatives to
21 Yucca Mountain, alternatives to geologic disposal.



1 In writing an EIS, one normally considers
2 looking at a no-action alternative. That is part of the
3 process. Part of what it does is provide you with a
4 base line to compare against if this action did not move
5 forward, you know, what would the impacts or effects be.
6 Ted?

7 MR. DOERR: The reason for that appearance
8 of discontinuity is the National Environmental Policy
9 Act requires the evaluation of a no-action alternative.
10 The National Waste Policy Act amendments do not relieve
11 DOE or limit nuclear DOE in that evaluation.

12 It simply limits DOE in evaluating alternative
13 sites. It is silent related to no action. Therefore,
14 the Department is including the evaluation of no action.
15 As Wendy said, it makes sense. You need a basis of
16 comparison.

17 MR. NOVAK: Everything we do in life is
18 somewhat politically charged. I just wonder whether or
19 not Congress would look favorably on your somewhat
20 self-imposed alternative here. I'm just wondering if
21 this is a ruse, or is this reality that we are speaking

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1 to at this point the time?

2 Is there really this no-action alternative, or
3 is it just something we are dangling out in front of the
4 public, but there is really, in essence, nothing in the
5 way of real substance there?

6 MS. DIXON: The Environmental Impact
7 Statement is a document that helps the decision maker
8 make informed decisions based on environmental
9 consequences. And in order get a good assessment of
10 potential impacts from the proposed action and compare
11 it to what would happen if there were no action, and
12 that is important information for the decision maker to
13 have, Congress has directed us to look at this program
14 seriously as it relates to Nevada and the repository.

15 The Environmental Impact Statement is not the
16 only decision-making process that is on our plate. We
17 also have a suitability analysis. We have a licensing
18 process through the Nuclear Regulatory Commission where
19 we have to present all of our detailed technical
20 analyses and go through hearings and either get a
21 license from them or not get a license from them to

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1 proceed forward.

2 So this is one element among several that is
3 required to make a determination as to whether or not we
4 move forward, in fact, on the repository or we don't.

5 MR. NOVAK: Oh, I see somebody else has a
6 question.

7 MS. TICE: If you have one more, why don't
8 you go ahead.

9 MR. NOVAK: Yes. The EIS schedule that we
10 saw flashed on the wall there, is that flexible or can
11 that be changed by politics, or is that something that
12 somebody has said hey, this is it, and has made a
13 contract with you, DOE, to make sure that you get that
14 amount of time, or is that just something that is
15 theoretical?

16 MS. DIXON: What we presented to you was
17 DOE's schedule for the preparation of this document. It
18 was not anything that was thrust upon us. What we did
19 was sit back and take a look. We had experience on this
20 program before in both developing an environmental
21 assessment and what is called a site characterization

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1 plan.

2 We know that when you have a program of this
3 nature, that you end up with a sizable amount of
4 comments. We knew we would get a number of them through
5 the scoping process and through the comment hearing
6 process on the DEIS, and it would be greatly in excess
7 of what is the norm for most Environmental Impact
8 Statements.

9 We wanted to pull together a schedule that
10 would allow us time to deal with the comments and do an
11 adequate job in the preparation of the document. Again,
12 this is DOE's own internal schedule. It is not mandated
13 by anyone else.

14 The Environmental Impact Statement is a
15 companion document to a license application. That
16 license application is scheduled for the year 2001. It
17 definitely needs to be done prior to the submittal of a
18 license application to the Nuclear Regulatory
19 Commission.

20 MR. LANGOSCH: The main thing that I'm
21 concerned about is somebody doesn't come along and say

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1 well, you thought you had until the year 2000, but we
2 want it done in 1998, or whatever it might be. Is there
3 any way of assuring the public that you will get an
4 adequate amount of time to do your thing in a proper and
5 safe manner?

6 MS. DIXON: Congress can always change the
7 rules of any game. I won't speculate on what Congress
8 may or may not do in the future for this program, you
9 know. I can't address.

10 I can just tell you that this is based on the
11 legislation before us today, our schedule for moving
12 forward. And if the legislation we have on the table
13 today does not change, that is our schedule.

14 MR. LANGOSCH: Okay. Thank you very much.

15 MS. TICE: Doctor Millar and then Ms.
16 Stevens and then Mr. Langosch.

17 DR. MILLAR: I think Steve brought up in
18 response to my question, he mentioned the question about
19 terrorism. That kind of jogged my memory that about ten
20 years ago or so, DOE produced, as I recall a couple of
21 board games. One was called Skirmish and one was called

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1 Ambush.

2 These were board games designed to train the
3 people who were carrying nuclear waste by truck, and it
4 showed riflemen skulking in the hills and then looking
5 down on a spent fuel truck that was parked by the side
6 of the road, and it apparently had been intercepted by
7 this gang of riflemen.

8 I guess my question to Steve is, and this is
9 probably just a catch-up question for me, is that the
10 currently state of the art in terms of training? At the
11 time, that was public information. So the Washington
12 Post did an article about it.

13 Is that the currently state of training for
14 this kind of shipment, and is there a set of documents
15 the I should be looking for that describe the current
16 state of training to deal with these kinds of problems,
17 and are those documents now classified?

18 DR. MAHERAS: To be honest, I'm not aware
19 of any classified board games that are out there. I
20 don't know if those exist or not.

21 The training program requirements that, like

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1 the escorts have got to go through, are outlined in NRC
2 regulations. They describe a, well, like an outline for
3 the training programs.

4 DR. MILLAR: Well, in nuclear terminology,
5 what is the design basis threat? Do you know what that
6 is?

7 DR. MAHERAS: No.

8 DR. MILLAR: Okay.

9 MS. TICE: Okay. Ms. Stevens? No
10 question.

11 MR. LANGOSCH: Not right now.

12 MS. TICE: You will follow Mr. Langosch.
13 He had his hand up for a few minutes. I'm going to
14 remind you to state your name again for the court
15 reporter.

16 MR. LANGOSCH: My name is Paul Langosch.
17 I live in Silver Spring, Maryland. I'm just curious,
18 since the State of Maryland has no preferred routing
19 plan in place as of right now, and just assuming that
20 this is going to start happening somewhere down the
21 line, I'm curious whose responsibility is it to have

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1 some kind of plan in place to deal with an accident if
2 an accident does occur?

3 Is it the Department of Energy's
4 responsibility, or is it the State's responsibility?
5 I'm thinking specifically where I live, Interstate 495
6 comes very close to a couple of schools right in Silver
7 Spring, and the county right now is planning on building
8 one of the largest high schools in the country and it is
9 going to be located less than a hundred yards from
10 Interstate 495.

11 Now, whose responsibility, if something
12 happens, is it going to be to get people, you know, to
13 some kind of safety before they're seriously affected?

14 MS. DIXON: Let me start out in answer to
15 the question, and I will have Steve follow on with more
16 information. Again, going back to the very original
17 question, which goes back to the issue on routing, you
18 know, right now, you would look to what routing falls
19 out of the DOT regulations that are specifically for
20 spent nuclear fuel and high-level radioactive waste.

21 The state has plenty of time right now to take

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1 a look at what the scenarios are within the state, to
2 look at, you know, schools and other local issues on its
3 highways and interstates and come up with a preferred
4 route to give to the Department of Transportation. So
5 there is plenty of opportunity still available for the
6 state to do that.

7 As was mentioned, I think by an earlier
8 commenter, because what one state does has the potential
9 of impacting other states, there is also a
10 responsibility to coordinate those alternative preferred
11 routes with the neighboring states to make sure you are
12 not causing a bigger impact on them. That is the
13 state's responsibility.

14 With respect to emergency planning in case of
15 an accident, that point is included in the Nuclear Waste
16 Policy Act under Section 180 (c), which is the provision
17 to provide funding to individual states to set up
18 programs for emergency response in case of an accident.

19 And, in fact, there have been two notices that
20 have gone out, Federal Register Notices, that have gone
21 out for comment from the public, one in January of this

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1 year and one in July, asking for input dealing with the
2 funding mechanisms tied with getting money to the states
3 and the localities.

4 The intent or the purpose is, quite frankly,
5 rather than having DOE come in as omnipotent, "I know
6 everything that the states need," which it doesn't, the
7 states know more about what their specific needs are
8 than the Department of Energy does, that is to provide
9 the funds to the states, to have the states make the
10 determination as to what the weaknesses are and their
11 emergency management response programs, and to use the
12 money in the best way for that particular state to, you
13 know, train people, to buy equipment, or to do whatever
14 is necessary.

15 MS. TICE: Steve, do you have anything?

16 DR. MAHERAS: No, there is nothing to add
17 to that.

18 MS. TICE: We have a question here.

19 MR. BARENTI: Mike Barenti, Nuclear Waste
20 News. I was curious what would be the impact of budget
21 cuts on this EIS process, and also what budget

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1 assumptions were used in developing this time frame
2 under the Administration's FY95 and out year request, or
3 what it looks like you all are going to get from
4 Congress, which is significantly less.

5 MS. DIXON: That is another -- I mean, we
6 are subject to the budget appropriations process. Most
7 certainly, it has affected our ability to do long-range
8 planning, because sometimes it is very difficult to
9 ascertain ahead of time what is going to come out and
10 how much money is going to be available to the
11 Department of Energy to move forward on these programs.

12 Right now, the schedule is still as I have
13 defined it. There is, obviously, a possibility that
14 things could change, and I guess probably a larger
15 impact on potential change than funding, because overall
16 with respect to dollars, this Environmental Impact
17 Statement process compared to the rest of the program is
18 not a large user of funds.

19 But I think a larger impact than the funding
20 provision is potential issues tied to new legislation on
21 the Hill. And again, whether or not anything passes

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1 that will affect what we are doing in this particular
2 EIS or doesn't would be a guess.

3 MR. BARENTI: That is HR1020, the
4 legislation?

5 MS. DIXON: That is one, yes.

6 MS. TICE: Ms. Stevens, do you have
7 another question?

8 MS. STEVENS: Barbara Stevens. A little
9 while ago, you were discussing the no-action alternative
10 in such a way as it sounded like it was just going to be
11 a base line from your, in your impact study, instead of
12 a viable alternative. That is how I was receiving what
13 you were talking about there.

14 So do you want to go ahead and tell me, is this
15 an alternative or just a base line, what I would call a
16 base line study and maybe wrongly?

17 MR. DOERR: For purposes of the EIS, the
18 no-action alternative is just that. It is an
19 alternative. The reason we talk in terms of a base line
20 is related to regulations and terms as far as being able
21 for a decision maker to understand if they would pursue

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1 an alternative other than the no action, that you have a
2 basis of comparison.

3 However, we are going to look at the no-action
4 alternative in a pinch (phonetic) of consequences
5 associated with that alternative.

6 MS. STEVENS: As a possibility?

7 MR. DOERR: That is correct.

8 MS. TICE: Mr. Novak, did you have another
9 question?

10 MR. NOVAK: Yes. Since you mentioned
11 funds, I would like to know what this grand event has
12 already cost the taxpayers of the United States, and
13 what you anticipate the total cost will be at the time
14 of whenever this thing is established as it is presently
15 perceived as being Yucca Mountain as the alternate place
16 to store this waste?

17 MS. DIXON: Excuse me. When you say what
18 this thing has cost us, what thing are we talking about?

19 MR. NOVAK: I'm talking about dollars.

20 MS. TICE: I want to clarify. Are you
21 talking the environmental analysis?

1 MR. NOVAK: I'm talking the actual
2 tunneling that has been done already, and anything in
3 the way of salaries. Your salaries, obviously, have
4 gone into this mix, too, and whatever other costs have
5 been associated with doing what has already been done to
6 Yucca Mountain.

7 MS. DIXON: With respect to dollars
8 associated with the investigations at Yucca Mountain, to
9 date, we have spent, since the inception of the Act,
10 approximately two billion dollars. I don't have at the
11 top of my head what the potential number is for carrying
12 this all the way through. You are talking about
13 construction, operation, total life cost, we can find
14 that information out.

15 DR. MAHERAS: Ms. Dixon, you may also want
16 to explain where the source of that funding is for the
17 nuclear waste.

18 MS. DIXON: The nuclear utility companies
19 pay into what is called the Nuclear Waste Fund, which is
20 what pays for the majority of this program. That fund
21 is derived from the nuclear utilities paying one mill

1 per kilowatt hour into the fund.

2 So we use -- the majority of our money is not
3 from taxpayer dollars, but from the money set aside from
4 the utility companies that generate the electricity that
5 is utilized. There is a small amount of money, tied to
6 the small amount, about ten percent of the total
7 allocation of spent nuclear fuel and high-level
8 radioactive waste is allocated to the Department of
9 Energy.

10 That small amount, that ten percent, is paid
11 for by the Federal Government. We, hence, the
12 taxpayers' dollars. There is about ten percent that
13 ties to DOE, our own spent fuel and high-level
14 radioactive waste. The other 90 percent is through this
15 Nuclear Waste Fund paid for by this one mill per
16 kilowatt hour.

17 MR. NOVAK: When you put it together, it
18 is all of us in this room paying this cost, isn't that
19 right?

20 MS. DIXON: I'm not trying to make light
21 of how much money has been spent. It is a large sum of

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1 money.

2 MR. NOVAK: Is there any way of finding
3 out the additional cost in doing this thing? Somebody
4 has sat down, I'm sure, and put together these figures.
5 I'm sure there are estimates. The public should be
6 aware what this thing is costing us and what we are
7 going to pay for it.

8 MS. DIXON: I can get you that
9 information. We just don't have it on the tips of our
10 tongues right now. If you wouldn't mind, make sure that
11 question is left.

12 MR. NOVAK: I will make sure I ask that
13 again.

14 MS. TICE: Thank you. We have a gentleman
15 in the back of the room.

16 MR. DOSSETT: My name is John Dossett.
17 I'm with the National Congress of American Indians, our
18 nuclear waste program. My question relates to the
19 cultural and social impact, particularly upon Indian
20 tribes, but also in general. Do you have plans to
21 examine those impacts under the various alternatives in

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1 your Environmental Impact Statement?

2 MS. DIXON: Socioeconomics is part of the
3 environmental issue that is included in this EIS, and
4 most EISS, Environmental Impact Statements.

5 MR. DOSSETT: Do you have plans to
6 particularly address these issues as they affect Native
7 American tribes?

8 MS. DIXON: There is something right now
9 that you are probably very much familiar with called
10 environmental justice. Certainly, environmental justice
11 issues will be looked at. The first level analysis is
12 to determine if there is any significant environmental
13 impact.

14 If there is a significant environmental impact,
15 then the next question is, is that significant
16 environmental impact adversely affecting minorities,
17 Native American tribes, in a different fashion than it
18 would the rest of the population.

19 Environmental justice is something we are going
20 to be looking at and taking into consideration in the
21 preparation of this document.

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1 MR. DOSSETT: Okay. There is also the
2 social and cultural impacts. Aside from the
3 environmental impacts directly, there is the social and
4 cultural impacts of separating a large area of land that
5 was once indigenous to the Indian tribes and sealing it
6 off for thousands and millions of years.

7 Those impacts, a lot of your alternatives, the
8 thermal load, the amount of access people will have to
9 the site depends on the various alternatives that you
10 will choose.

11 Do you plan to address each of those
12 separately, the different alternatives, what cultural
13 and social impacts those will have on the tribes?

14 MS. DIXON: For inclusion into the
15 Environmental Impact Statement, and I will have Ted add
16 to what I'm going to say, there needs to be some
17 relationship to the physical system to roll it in in
18 your impact analysis.

19 With respect to distinguishing differences
20 between the various thermal load alternatives on
21 cultural impacts, that would be, I would, you know,



1 believe very difficult to do.

2 MR. DOSSETT: Well, I think two of the big
3 issues for the tribes are protection of cultural sites
4 and cultural remains there at the Nevada test site at
5 Yucca Mountain, and then access to the site. Both of
6 those are impacted by the different alternatives that
7 you are discussing, the very technical things you are
8 discussing.

9 MS. DIXON: With respect to access, it is
10 pretty much the same for all three alternatives. There
11 is no difference.

12 MR. DOERR: I guess in addition, Wendy can
13 obviously elaborate right here on this, DOE, the Yucca
14 Mountain Project, has been very aggressive in evaluating
15 historical and cultural resources, as well as
16 archeological resources. They have an ongoing program
17 that has been associated with the site characterization
18 process.

19 In addition to the socioeconomic evaluations
20 that Wendy mentioned, obviously, the EIS will also be
21 evaluating cultural, historical and archeological

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1 resources within the EIS, and the consequences from the
2 implementing alternatives and the no-action alternative.

3 MR. DOSSETT: Thank you.

4 MS. TICE: Okay. I see Ms. Stevens and
5 Mr. Langosch has his hand up again. Ms. Stevens?

6 MR. LANGOSCH: My name is Paul Langosch.
7 I was just wondering if you could explain, since so much
8 of this seems to depend on the state assuming
9 responsibility for a lot of aspects of this, could you
10 explain how the Department of Energy interacts with, for
11 instance, my Congressman, keeping him informed about the
12 decisions and getting input?

13 And, for instance, is there somebody here from
14 Congressman Gwinn's office today, or perhaps tonight, if
15 you know offhand if there is going to be anybody here.

16 MS. DIXON: I don't know if there is
17 anybody here from your Congressman's office. Dan
18 Dreyfus is the Director of the Office of Civilian
19 Radioactive Waste Management, which is an organization
20 that participates in this program, and Dan Dreyfus
21 spends an incredible amount of time testifying on the

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1 Hill to the status of this program.

2 Certainly, they are very much interested in the
3 viability of the site, the amount of money that has been
4 spent, the schedule that exists. This is not a program
5 that has not been noticed by Congress. It has been very
6 much in their eyes. Like I said, our Director has spent
7 a great deal of time sharing information and answering
8 questions that Congress has had.

9 MR. LANGOSCH: For instance, if my
10 Congressman doesn't feel this is anything that is
11 terribly important, then it kind of just, the state is
12 not represented as aggressively as another state who has
13 elected officials that feel that this is of a great deal
14 of importance to their constituents?

15 MS. DIXON: I'm sorry?

16 MR. LANGOSCH: I'm just asking, it seems
17 to be that the level of involvement on the state's part
18 is dictated by the importance that the various
19 representatives feel is attached to this issue.

20 VOICE: That is how politics works, I
21 think.

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1 MR. LANGOSCH: I want to be clear on this
2 myself. You don't know offhand if there is anybody
3 attending these meetings today?

4 MS. DIXON: No. I'm presuming if there
5 was, they would be raising their hands right now.

6 MS. TICE: Thank you. Ms. Stevens, you
7 had another question.

8 MS. STEVENS: I want to know if you are
9 going to keep, in generalities, in the Impact Statement.
10 It seems like some specific kinds of wording should be
11 dealt with. I'm just going to really say what I heard
12 before. And I have heard that the Yucca Mountain is a
13 holy mountain for Native Americans, a holy mountain.

14 So those kind of words are sort of specific.
15 I'm sure you won't ever use them. But could you, I
16 guess I will ask you, are you going to get a little bit
17 specific about considering that cultural aspect of
18 bringing what eventually will be European and mostly the
19 East Coast waste to put into somebody else's cultural
20 holy mountain? Are you going to get specific about the
21 cultural aspects?

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1 MS. DIXON: There will be, as Ted was
2 mentioning --

3 MS. STEVENS: Environmental justice.

4 MS. DIXON: Right -- a discussion on and
5 evaluation of as impacts relate to cultural resources
6 both with respect to Native American issues and, you
7 know, archeological types of issues that are tied to
8 Native American issues.

9 We have spent a great deal of time, and as Ted
10 was indicating, as a matter of fact, we pulled together,
11 I think, one of the very first programs that tied to the
12 American Indian Religious Freedom Act. We were very
13 aggressive when this all started in doing an analysis on
14 what Native Americans had at one point in time or in the
15 past utilized Yucca Mountain for hunting, for seed
16 gathering, for quarrying, whatever purpose.

17 We have been dealing with the Native American
18 tribes to gather their input, to seek their
19 interpretations, to help protect the resources that
20 exist on that site. We will continue to do so.

21 With respect to the discussion that Yucca

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1 Mountain is holy ground, we have had a lot of input from
2 Native American folk. And as you probably know, a lot
3 of things to the Native American people are considered
4 sacred or holy or have religious significance, most
5 water, most streams, most mountains.

6 So it is really hard to pull back and say that,
7 you know, there is anything that the Native American
8 people have populated that isn't very sacred or
9 important to them. And we need to respect their issues
10 and their concerns in our efforts. We certainly try to
11 do so.

12 MS. STEVENS: On that one, real quick, the
13 Mescarlero voted completely against, the people voted
14 against Wendel Chino's attempt at that. Wendel Chino
15 took that petition around and forced them not to go
16 along with what they knew and felt. You have something
17 going there where politics is very ugly.

18 I don't know. You know, where, do you decipher
19 or study if somebody is in control, who is not
20 representative of the people who is speaking to you
21 about these issues? I probably --

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1 MS. TICE: That is a rather tangled
2 question. I think you are referring to the MRS which is
3 separate.

4 MS. STEVENS: I will drop that.

5 MS. TICE: We have another hand. We have
6 time just for one more question. I would like to defer
7 to the gentleman in the back of the room.

8 MS. DIXON: I guess we just wanted to make
9 sure that it was clear that the Mescarlero issue is tied
10 to a monitored retrievable storage program. It is a
11 different program than what we are talking about here.
12 I wanted to make sure there was no confusion.

13 MR. HOLDEN: Robert Holden with the
14 National Congress of American Indians. I would be glad
15 to talk to the lady about Mescarlero. Mescarlero is a
16 case, when you talk about negative politics, there is no
17 difference than the perception of this program. States
18 have sovereignty to do as they please. So do Native
19 American governments. They are still governments of
20 their own people. I will be glad to talk with you about
21 that.

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1 Going back to this issue, I guess my question
2 is have the people who will be doing the social and
3 cultural impact assessment at Yucca Mountain, will they
4 be the same people doing the non-Indian as well as the
5 Indian impact assessment?

6 I guess if that is the case, I don't think it
7 is a good idea. I would hope that someone new would
8 come in. Because I'm aware that Yucca Mountain has been
9 working with the technical people that are hired by the
10 Department of Energy to work with the tribes, have a
11 select group that is not necessarily expressing the view
12 of all of the tribes, all of the people impacted at
13 Yucca Mountain based on a flawed study several years
14 ago, flawed meaning that the science may not have been
15 flawed, but certainly the conclusion of who would be
16 impacted at Yucca Mountain, indigenous people, in fact
17 at, Yucca Mountain.

18 MS. TICE: I was just going to try to
19 clarify the question. I thought you were finished.

20 MR. HOLDEN: I'm getting there. This is
21 questions and issues, but still we need to expound. I



1 need to expound on the whole underlying situation in
2 order to get the question out, if you will. I can save
3 this for the comment period. It is directly related to
4 what we are talking about here.

5 But I'm just saying that the question is have
6 you decided who those people are going to be? My reason
7 for asking that is because we are still getting, the NCI
8 is still getting comments from Indian country, from
9 people in that area that they are dissatisfied with
10 people who are the go-betweens, the coordinators of
11 these Indian issues.

12 For instance, one person was saying, who has
13 been sent to our meetings, met with a group of Indian
14 people and said --

15 MS. DIXON: Robert, I would like to
16 intercede at this point.

17 MR. HOLDEN: -- has said that well, it is
18 good that President Clinton signed these statements,
19 these executive orders on Indian religious freedom.
20 That way, it gives you Indians the right to go and kill
21 all the eagles you want, which is denigrating.

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1 MS. TICE: We really want to answer your
2 question. My interpretation of the basic question is
3 will there be a new team or different team of cultural
4 resource specialists involved in the study during EIS,
5 that is different from teams that did work in the past?
6 Is that the question?

7 MR. HOLDEN: Exactly.

8 MS. DIXON: Well, there were two
9 questions. I would like to go back to the very first
10 one. One of them tied with who can get input and get
11 involved in the EIS process. Certainly, in the end, if
12 not at this stage which is what I think you were
13 referring to, the research work that was done some years
14 ago, there were 17 tribes that were identified that had
15 at one point in time utilized the Yucca Mountain area.
16 There is now consideration for and the number has grown
17 a little bit more from that for different purposes.

18 All of that is academic as it relates to the
19 Native American population, whatever it might be, having
20 the ability to provide input into this Environmental
21 Impact Statement. In fact, we sent out the Notice of

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1 Intent to numerous tribes for that input.

2 So whoever within the Native American community
3 has an interest to provide input into this Environmental
4 Impact Statement, please disregard any study that has
5 ever been done and what the mandate is and what our
6 program is today, that NOI, the input, the request for
7 scoping is for everyone.

8 We want to encourage that they provide their
9 comments. They don't have to do it here verbally. They
10 can send them in to us. We still have until December
11 5th to receive their comments.

12 With respect to impact analyses and who will do
13 the impact analyses themselves, that will be done by an
14 independent contractor who currently does not exist now.
15 We have gone out for solicitation. We are getting very
16 close to its final, you know, completion, and that is
17 all I can say about that.

18 Right now, it is in that sensitive stage where
19 you can't really talk about it. It has been
20 competitively solicited. There will be an independent
21 contractor selected from that.

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1 MR. HOLDEN: Within the context of notice
2 and consultation with the tribes, I think the DOE in a
3 lot of its Indian policy trust responsibility needs to
4 take full active approach. And if they are not getting
5 the response from the tribes, they have to go that full
6 extra step.

7 MS. DIXON: I really agree with you
8 wholeheartedly on that, and perhaps we will have
9 somebody who I know you have dealt with, which includes
10 my chief Native American contact, Joe Chirieleison, and
11 he has been making phone calls every single day to the
12 Native American tribes that have been involved in one
13 way or another with our program, trying to set up
14 schedules so that he and whatever NEPA folk can get out
15 to those sites.

16 Again, it is what you said, a little bit more
17 along the line of personal encouragement to provide
18 input into the Environmental Impact Statement scoping
19 process.

20 MS. TICE: We have come to the end of the
21 time that we have for questions and answers this

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1 morning. I want to thank everyone. We have had some
2 very good questions this morning and very thoughtful
3 participation.

4 We are going to take a break for about 15
5 minutes. According to the clock in the back of the
6 room, it is 20 after 10. We will reconvene at 25
7 minutes before 11 o'clock to begin the formal comment
8 segment this morning.

9 I would like to remind you there are Department
10 of Energy representatives available in the exhibit area
11 if you have questions. Thank you, and we will see you
12 in 15 minutes.

13 (Thereupon, there was a recess from 10:20 a.m.
14 to 10:35 a.m.)

15 MR. JULIAN: We have two representatives
16 of the Department of Energy here at the front table,
17 Jean Younker, the DOE Technical Project Manager, and
18 Bill Freeland, DOE EIS Technical Lead.

19 The Yucca Mountain Repository Environmental
20 Impact Statement is being prepared in accordance with
21 the Nuclear Waste Policy Act of 1982 and its amendments,

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1 the National Environmental Policy Act of 1969 known as
2 NEPA, and the Council On Environmental Quality Regs to
3 implement NEPA, as well as, of course, Department of
4 Energy procedures for implementing NEPA.

5 The Department of Energy invites Federal, State
6 and local agencies, Native American tribal
7 organizations, and all other interested parties to
8 participate in determining the scope and content of the
9 Environmental Impact Statement.

10 The Nuclear Waste Policy Act directs that the
11 Department of Energy evaluate the suitability of using
12 Yucca Mountain as a potential repository for the
13 disposal of spent nuclear fuel and high-level
14 radioactive waste.

15 Development of a repository would constitute a
16 major Federal action, and, therefore, under NEPA an
17 Environmental Impact Statement or EIS must be prepared.
18 The Nuclear Waste Policy Act also provides that the
19 Environmental Impact Statement does not have to consider
20 the need for a repository, alternatives to geologic
21 disposal or alternative sites to Yucca Mountain.

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1 The Environmental Impact Statement will
2 evaluate reasonable implementation alternatives for the
3 proposed construction, operation and closure of the
4 repository at Yucca Mountain, as well as options related
5 to transportation and packaging of spent nuclear fuel..

6 Your comments should focus on environmental
7 issues associated with the construction, operation and
8 closure of the repository, and on reasonable
9 alternatives for implementing the proposed actions.
10 There are other forums to express opposition to or
11 support for the project. However, today this is an
12 opportunity for you to offer constructive input into the
13 Environmental Impact Statement process.

14 I would like to reiterate that written comments
15 may be of any length and need be submitted today to one
16 of the facilitators or one of the Department of Energy
17 representatives or at any time until December 5th, 1995
18 by mail, toll-free fax, telephone, e-mail or internet
19 before the close of the 120-scoping period again, again,
20 which is December 5th, 1995. You can find telephone
21 numbers and addresses at the registration table or in

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1 the exhibit room.

2 Before we begin today, I would like to review
3 the procedures and ground rules for this session. These
4 procedures are also summarized on the postures displayed
5 along the walls and were available at the check-in table
6 for registration.

7 Today's proceedings are being recorded word for
8 word by a court reporter. The transcript will become a
9 part of the official record. We ask that you identify
10 yourself, your address, and any organizational
11 affiliation before you begin making your comment.

12 Please speak slowly and clearly into the
13 microphone to help the court reporter record comments as
14 accurately as possible. Please be courteous and respect
15 the view of others. Refrain from holding side
16 conversations while comments are being made. These
17 distractions make our commenters' and court reporter's
18 job much more difficult.

19 Commenters will be called in the order
20 registered. I will call two names at a time. The first
21 name will be the current commenter. The second name

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1 will be the on-deck. The current commenter should come
2 to the microphone here in the center aisle and the
3 on-deck commenter may sit to the side while awaiting
4 their turn.

5 If anyone wishes to make an oral comment today
6 and has not registered, please do so now at the
7 registration table immediately outside the hearing room.
8 We currently have eight commenters who have
9 preregistered to speak at this segment.

10 There is a ten-minute time limit for oral
11 comments. This limit is to ensure that all registered
12 people have a chance to make an oral comment. You are
13 encouraged to keep your comments brief and to the point.
14 We have a light clock here at the podium. The yellow
15 light will indicate that you have one minute remaining,
16 and the red light indicates that your time is up. I
17 will also give you a signal when you have one minute
18 remaining.

19 There will be no responses by Department of
20 Energy officials to your comments, although all comments
21 will be noted in the Implementation Plan for the

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1 Environmental Impact Statement.

2 The purpose of the formal comment segment is to
3 obtain public input on the scope of the EIS. Our first
4 two commenters today are Mr. Joseph Strolin and Mr.
5 Robert Holden. Mr. Strolin, will you come to the
6 microphone? Mr. Holden, you will be next.

7 MR. STROLIN: For the record, my name is
8 Joseph Strolin, and I'm the Administrator for the
9 Planning Division of the Nevada Agency for Nuclear
10 Projects, which is the agency that is responsible from
11 the Governor's office for overseeing the Federal
12 high-level radioactive waste program.

13 The State of Nevada has long opposed a
14 high-level nuclear waste repository at Yucca Mountain,
15 80 miles from Las Vegas and less than 20 miles from the
16 Nevada/California border. The state maintains that the
17 site should have been disqualified as a potential
18 repository for technical and safety reasons.

19 We are here today not to discuss Nevada's
20 opposition to Yucca Mountain or to debate the issues
21 surrounding the Federal high-level radioactive waste

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1 program, but to provide input into the Environmental
2 Impact Statement process the Department of Energy has
3 begun.

4 MR. JULIAN: Mr. Strolin, will you slow
5 down a little bit. The court reporter is having a hard
6 time keeping up with you?

7 MR. STROLIN: Before addressing specific
8 EIS issues, a brief comment on the way the scoping
9 process has been handled both in Nevada and around the
10 country I think is in order. On the other hand, DOE's
11 decision to hold public scoping meetings in strategic
12 cities is to be commended.

13 On the other hand, the failure to adequately
14 inform the people of the location of likely shipping
15 routes and potential risks and impacts of spent nuclear
16 fuel transportation negates the purpose of holding
17 public meetings across the country.

18 We are very concerned that the notices of
19 public scoping meetings do not adequately describe the
20 proposed action and that the Yucca Mountain -- and that
21 the DOE program has chosen not to make people aware of

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1 potential transportation routes through their
2 communities and consequent risks of high-level waste
3 shipments as part of these scoping meetings.

4 For example, DOE has not informed the people of
5 Maryland that it is seriously considering barge shipment
6 of spent nuclear fuel from Calvert Cliffs reactors to
7 Baltimore Harbor for subsequent shipment to Yucca
8 Mountain, nor has DOE informed the people of New Jersey
9 and Delaware that as part of DOE's proposed action,
10 spent nuclear fuel could be barged from the Salem and
11 Hope Creek reactors across the Delaware River into the
12 Port of Wilmington.

13 The impacts associated with the proposed
14 high-level radioactive waste repository at Yucca
15 Mountain that is located about 2500 miles from any of
16 the eastern U.S. reactors, those impacts will affect the
17 State of Nevada, as well as 42 other states, at least 30
18 Indian tribes, hundreds of cities and communities,
19 including communities in Maryland, Virginia, Pennsylvania
20 and the surrounding states. Those communities are all
21 located along highways and rail lines that will be used

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for waste transportation.

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The program that the Environmental Impact Statement must address is unprecedented for a Federal project in its scope, time frames and the geographical area that it encompasses. It is also unique in that the EIS must address not only the more traditional effects of a large and complex project, but to the environment, to the public health and safety, to area populations, to state and local economies, but the EIS must also address those impacts of the program which derive from the highly controversial nature of this activity and the fact that the program involves the handling, management movement, and storage of spent nuclear materials.

It is the nuclear nature of this project that makes it different from the more traditional Federal project and requires the Environmental Impact Statement to fully examine the risks, perception and stigma associated with the project in Nevada and states and communities through this spent nuclear fuel must pass en route to Yucca Mountain.

As I indicated, the Yucca Mountain EIS must

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1 also inform potential affected states and stakeholders
2 that DOE is actively considering large scale barge
3 shipments of spent nuclear fuel through Baltimore and
4 other major ports for rail shipment to Yucca Mountain.

5 A recent DOE contractor report recommended that
6 14 reactor sites use barge transportation to ship large
7 multipurpose canisters to various inland and coastal
8 ports for transfer to rail cars for subsequent shipment
9 to Yucca Mountain.

10 Nevada believes that DOE has to date
11 demonstrated neither the desirability of barge
12 transportation from a comparative safety standpoint, nor
13 the technical or institutional feasibility of large
14 scale barge transshipments to rail facilities.

15 In particular, we have repeatedly advised DOE
16 that the recent barge rail movement of very lightly
17 irradiated fuel from the Shoreham site in New York to
18 the Limerick site in Pennsylvania have not established a
19 convincing precedent for future large scale movements of
20 spent nuclear fuel to an interim storage site or to a
21 repository. Accordingly, we have not yet revised our

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1 own routing studies and routing maps to incorporate
2 barge movements.

3 The DOE believes, however, that barge
4 transportation is likely as a part of the transportation
5 system to a repository. Then as a recent contractor
6 reports suggests, the DOE in its EIS must identify the
7 reactors, the shipping routes and the receiving port
8 facilities that are likely to be affected by barge
9 transport.

10 Moreover, due to the last of previous barge
11 transportation experience, except for the Shoreham
12 shipments, from operating nuclear power plants around
13 the country, the recent public and official concern over
14 waterborne shipments of naval reactor fuel and foreign
15 research reactor fuel, DOE must make a concentrated
16 effort to solicit scoping input from affected states and
17 local governments, including state and local port and
18 waterway authorities and state costal management
19 programs, as well as appropriate federal agencies such
20 as the U.S. Army Corps of Engineers, the U.S. Coast
21 Guard, and the U.S. Fish and Wildlife Service.

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1 The draft EIS must compare specifically the
2 risks and impacts of barge, rail and truck
3 transportation from specific reactor sites along
4 specific routes to Yucca Mountain. The potential
5 environmental impacts of both routine shipments and
6 accidents involving inland and coastal waterborne
7 shipments of spent nuclear fuel from commercial-light
8 water reactors will require some significantly and
9 substantially different analyses than previously
10 conducted for proposed marine shipments of naval reactor
11 fuel and foreign research reactor fuel to Atlantic, Gulf
12 and Pacific ports.

13 Consideration of perceived risk and special
14 socioeconomic impacts will also be an important part of
15 the draft EIS if large scale transportation is really,
16 barge transportation is really a part of the Yucca
17 Mountain proposal.

18 For example, consider the potential
19 consequences of barging spent fuel from Calvert Cliffs
20 reactors approximately 70 miles up the Chesapeake Bay to
21 Baltimore harbor. The draft EIS will have to address

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1 potential adverse impacts of routine shipments and
2 accidents with and without release of radioactive
3 materials on a wide range of aquatic, estuarian and
4 coastal environments.

5 The draft EIS will also need to consider
6 potential adverse impacts on the Chesapeake Bay regional
7 tourism, real estate and seafood industries. Even an
8 accident with no release of radioactivity could
9 adversely affect nonresident visitation rates,
10 commercial and residential waterfront property values,
11 commercial demand for fish, crabs and oysters.

12 Additionally, the draft EIS must consider
13 potential impacts on other users of harbors such as the
14 Baltimore harbor. While the number of spent fuel
15 shipments will be very small compared to other traffic
16 on the harbor, the security requirements could affect
17 other commercial and recreational users.

18 The Yucca Mountain EIS must also inform
19 potentially affected states and stakeholders of the
20 transportation modes and routes likely to be used under
21 DOE's proposed MPC base case scenario, which is DOE's

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1 current base planning scenario for high-level nuclear
2 waste transportation.

3 While 43 states, including Maryland, Virginia,
4 Pennsylvania and the D.C. area will be impacted by
5 transportation of spent nuclear fuel and high-level
6 radioactive waste to the Yucca Mountain facility the
7 effects of the program will not be uniform for all
8 states and communities and under all the program
9 scenarios.

10 Under DOE's MPC base case for waste
11 transportation there will be at least 326 rail shipments
12 of spent nuclear fuel shipped through the Maryland and
13 D.C. area, affecting Baltimore, Washington, Cumberland
14 and smaller communities along the CSXT and Conrail
15 railroad lines.

16 Virginia would experience a minimum of 480
17 shipments from the Maguire, North Anna and Surry
18 reactors. Pennsylvania would see as many as 6,069
19 shipments, 3,879 highway and 2,190 rail shipments, under
20 this optimistic base case.

21 If waste is not shipped by rail or if smaller

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1 rail shipping containers are used, which are
2 possibilities that can't be overlooked given the
3 uncertainties inherent in the program, the numbers of
4 shipments affecting the area could increase
5 dramatically.

6 In addition, to addressing MPC base case
7 scenarios, then the EIS must inform people that DOE is
8 also proposing an all-truck scenario that would affect
9 states and communities differently. In an all-truck
10 scenario, for example, Maryland would experience 2366
11 shipments, almost 2400 shipments, of spent fuel
12 affecting almost all major interstates in the state, as
13 well as Highway U.S. 301 and Highway U.S. 50.

14 Virginia would be affected by an additional
15 1411 truck shipments. Pennsylvania would see 12,720
16 shipments along Interstates 70, 76 and 80.

17 With respect to transportation risks and
18 impacts likely associated with the proposed repository,
19 such a facility at Yucca Mountain would receive overall
20 between 15,000 and 6,000 cask shipments, depending upon
21 the assumptions in the report.

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1 MR. JULIAN: One minute, Mr. Strolin.

2 MR. STROLIN: These shipments would come
3 from locations around the country, including locations
4 in Maryland, Virginia and Pennsylvania. Each year, more
5 spent fuel will be shipped to the repository than was
6 shipped during the past three decades combined.

7 The Yucca Mountain Environmental Impact
8 Statement must, therefore, examine the full range of
9 credible risks and impacts, especially low probability/
10 high consequence events, such as very serious accidents
11 and successful terrorist attacks, which might result in
12 the loss of radiation shielding or the release of
13 radioactive materials to the environment.

14 The probability of an accident severe enough to
15 release radioactive materials is admittedly low,
16 assuming that rigorous quality and licensing standards
17 are enforced for the transport containers which are yet
18 to be designed and/or constructed, but history is
19 replete with instances of high consequence/low
20 probability events that have the audacity to occur in
21 spite of the odds.

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1 To date, DOE official documents, including fact
2 sheets distributed at scoping meetings, understate the
3 potential risks and adverse impacts of large scale, long
4 duration, nationwide shipping campaigns. DOE should
5 distribute detailed maps showing potential radioactive
6 waste shipping routes at these scoping meetings. The
7 EIS must analyze risks and impacts in a route specific
8 and state-by-state manner.

9 We appreciate the opportunity to participate in
10 the scoping process. The State of Nevada intends to
11 continue to provide comments on all aspects of the
12 repository program and nuclear transportation the both
13 in written form and at future scoping meetings. Thank
14 you.

15 MR. FREELAND: Joe, thank you. By the
16 way, are you going to be submitting those comments in
17 writing today?

18 MR. STROLIN: Yes. I have a copy here.

19 MR. FREELAND: For the record, we will
20 mark those Baltimore Number 2.

21 MR. JULIAN: Our next preregistered

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1 commenter is Robert Holden, followed by Barbara Stevens.

2 MR. HOLDEN: Good morning. I'm Robert
3 Holden, Director of Nuclear Waste Program for National
4 Congress of American Indians, 2010 Mass Avenue,
5 Northwest, Washington, D. C., 2nd floor, 20036. I will
6 begin by reading a letter to Ms. Wendy Dixon.

7 Dear Ms. Dixon: Thank you for including this
8 letter from the National Congress of American Indians in
9 the Department of Energy Environmental Impact Statement
10 for a geological repository disposal for spent nuclear
11 fuel and high-level radioactive waste at the Yucca
12 Mountain, Nevada Test Site.

13 The NCAI is the oldest largest national Indian
14 advocacy organization in the country and has a
15 membership of 187 American Indian and Alaskan native
16 governments. We are aware that representatives of
17 tribes potentially impacted by the proposed repository
18 are unable to send a representative to this and other
19 scoping meets.

20 However, after hearing from tribal
21 representatives, we would like to make a few initial

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1 comments at the outset of this EIS process.

2 Thank you for accepting into the record our
3 comments on this important issue. Sincerely, JoAnn K.
4 Chase, Executive Director.

5 There are several issues that may be of concern
6 to the tribes in evaluating the Department of Energy
7 Office of Civilian Radioactive Waste Management's scoping
8 process for EIS for a geological repository for the
9 disposal of spent nuclear fuel and high-level
10 radioactive waste at Yucca Mountain, Nevada Test Site.

11 The following comments reflect initial
12 concerns. The NCAI may provide additional comments
13 during the EIS process.

14 1. The DOE Yucca Mountain Site
15 Characterization Office has established a limited
16 working relationship with the tribal governments whose
17 peoples and cultural would be impacted by the placement
18 of a geological repository at Yucca Mountain.

19 The Foreward of a 1990 DOE support study
20 states, quote, Yucca Mountain symbolizes the cultural
21 diversity and conflicting values in America. To some

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1 government officials, state and Federal, it is a vast,
2 useless landscape fit only for the toxic waste of modern
3 society.

4 It has an owner who has the right to define how
5 it is used. To the Southern Paiute, Ownes Valley
6 Paiute, Western Shoshone, and other groups of Native
7 Americans in the Las Vegas area, Yucca Mountain is a
8 bountiful harvest of plants, animals and cultural
9 remembrances.

10 It means food, medicine, religious inspiration
11 and cultural history. It is a living place without
12 ownership. It is there for all to use as needed. The
13 contrast and attitude between western civilization and
14 Native American cultures is stark and immediate.

15 For the past two years, federally-recognized
16 tribal governments in the Yucca Mountain region have met
17 with DOE headquarters and Yucca Mountain Site
18 Characterization Office officials on the issue of DOE
19 providing oversight activities and funding.

20 The Yucca Mountain Site Characterization Office
21 Project Manager recently informed the tribal governments

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1 in the Yucca Mountain region that efforts to make funds
2 available have ceased. Meanwhile, the State of Nevada
3 and ten county governments continue to receive impact
4 funding and are in line for funding in FY '96.

5 The NCAI has supported the efforts of the
6 tribes impacted by the site characterization process to
7 receive funding for oversight activities. Yucca
8 Mountain Site Characterization Office's decision to halt
9 the funding initiative is disappointing. Indian tribes
10 have a government to government relationship with the
11 United States grounded in the U. S. Constitution and
12 solemn and extant treaties which bind the parties to
13 this day.

14 Indeed, from the earliest days of the U. S.,
15 tribal sovereignty has been recognized. As far back as
16 1832, the U.S. Supreme Court rules that Indian tribes
17 are distinct independent political, excuse me, public
18 communities.

19 On April 24, 1994, President Clinton issued a
20 Memorandum for the Heads of Executive Departments and
21 Agencies on Government To Government Relations with

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1 Native American Tribal Governments. A copy of the
2 memorandum will be sent to you for your consideration.

3 The memorandum states that in order to ensure
4 the rights of sovereign tribal governments are fully
5 respected, executive branch activities shall be guided
6 by the following. One particular excerpt, A, the head
7 of each executive department shall be responsible for
8 ensuring that the department or agency operates within a
9 government to government relationship with fairly
10 recognized tribal governments.

11 B, each executive department and agency shall
12 consult, to the greatest extent practical and to the
13 extent permitted by law, with tribal governments prior
14 to taking actions that affect federally recognized
15 tribal governments. All such consultations are to be
16 open and candid so that all interested parties may
17 evaluate for themselves the potential impact of relevant
18 proposals.

19 C, each executive department and agency shall
20 assess the impact of Federal Government plans, projects,
21 programs and activities on tribal trust resources and

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1 assure that tribal government rights and concerns are
2 considered during the development of such plans,
3 projects, programs and activities.

4 The Yucca Mountain Site Characterization is
5 also aware of the State of Nevada and some county
6 governments are supportive of meaningful tribal
7 participation. We are mindful of Yucca Mountain Site
8 Characterization Office budgetary constraints, but the
9 process will remain one of inequity if the State of
10 Nevada is funded while tribes continue to be excluded.

11 The NCAI requests the Yucca Mountain Site
12 Characterization Office to reconsider its decision on
13 the funding issue. That will make significant progress
14 in fulfilling its trust responsibility to protect the
15 health and safety of the citizens of the indigenous
16 nations, and the continuity of the culture by providing
17 oversight assistance to the tribal governments at this
18 critical juncture.

19 It is quite clear that the site
20 characterization process, construction, operation and
21 eventual closure of a repository at Yucca Mountain will

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1 indeed impact the indigenous peoples of the region.
2 Without resources and technical assistance, the tribes
3 will remain unable to participate in the EIS scoping
4 meetings and the actual EIS.

5 Two, several Federal cultural resource
6 protection statutes presently require meaningful
7 consultation with potentially impacted Native American
8 tribal governments in order to achieve full compliance,
9 i.e., National Historic Preservation Act, Native
10 American Graves Protection and Repatriation Act, and the
11 Archaeological Resources and Protection Act.

12 The consultation that has taken thus far in
13 Yucca Mountain is considered inadequate by tribal
14 government officials. These officials contend that
15 consultation has been defined by non-Indian agency
16 representatives and contractors without input from
17 tribal officials. Tribal officials were not
18 participants in the process when the current
19 consultation strategy was implemented.

20 The inadequate consultation process will create
21 additional problems during the transportation, cask

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1 development and ancillary facility construction phases.
2 In similar circumstances, tribal governments have raised
3 legal due process issues in the absence of adequate
4 consultation.

5 These circumstances and faulty procedures do
6 not keep faith with the Federal obligation or the
7 President's April 29, 1994 memorandum.

8 Three, scoping meetings have been scheduled at
9 several locations within the State of Nevada and
10 throughout the country. No meetings have been scheduled
11 in northern Nevada or in Indian country in that region.
12 A potential rail shipping route to Yucca Mountain in
13 northern Nevada crosses lands under tribal
14 jurisdictions.

15 The right for tribes to exercise governmental
16 powers is an inherent attribute of their sovereignty.
17 Tribal representatives north of the proposed Yucca
18 Mountain site will be unable to attend meetings in
19 distant locations due to lack of resources. We request
20 the Yucca Mountain Site Characterization Office to work
21 with tribal officials in that region to locate an

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1 accessible Yucca Mountain EIS scoping meeting site.

2 We have stated in the past, and we again remind
3 the Department of Energy, that it should adhere to its
4 Indian Policy issued in 1992, which is based on federal
5 policy, treaties, federal law, and the DOE's
6 responsibilities as a federal agency to ensure that
7 tribal rights and interests are identified and fully
8 considered in pertinent decision making.

9 Section 3 of the DOE Indian Policy states that
10 the Department will consult with tribal governments to
11 assure that tribal rights and concerns are considered
12 prior to DOE taking actions, making decisions or
13 implementing programs that may affect tribes. DOE will
14 take a proactive approach to solicit input from tribal
15 governments on Departmental policies and issues. The
16 Department will encourage tribal government and their
17 members to participate fully in the national and
18 regional dialogues concerning departmental programs and
19 policies.

20 A statement from an unnamed tribal chairperson
21 contained in the cultural resources study mentioned

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1 above will serve as closing remarks. The best thing
2 that could happen to the United States of America is for
3 a group of us Indian people to be elected to address the
4 Supreme Court. Because there are so many things that
5 they don't understand, it is like this black thing that
6 I'm holding, where did it come from? The earth. Right.
7 Because all material is from the earth.

8 Who is to say that this part, pointing to one
9 part of the object, is more important than that one over
10 there, pointing to another part of the object. We have
11 to put these things in perspective. It is like this
12 thing, the high-level nuclear waste site proposal that
13 came out, they are saying we are not damaging that. All
14 we are going to do is cut down that tree.

15 As an Indian, I feel I am important, but am I
16 more important than that tree or is that tree more
17 important than me? We are on this earth. We are
18 insignificant. Indian people say what is more
19 important, the earth we stand on, the air that we
20 breathe or the water that we drink? They all have their
21 reasons for being here.

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1 That is what we have to get over to the United
2 States Supreme Court. We are nothing. All together, it
3 forms a circle. We all have to live together no matter
4 what, because it is our earth. These things are here.
5 We didn't put them here. So who are we to remove them?
6 We didn't create them, but we are here to protect them.

7 MR. FREELAND: Thank you, Mr. Holden. He
8 has submitted comments, and for the record, they will be
9 marked Baltimore AM Number 1.

10 MR. JULIAN: Our next registered commenter
11 is Barbara Stevens, followed by Mr. Auerbach. Ms.
12 Stevens

13 MS. STEVENS: Mr. Auerbach could not make
14 it. He will not be here. My name is Barbara Stevens.
15 I'm a citizen of the City of Greenbelt. The City of
16 Greenbelt is standing in line for landmark status like
17 Mt. Vernon.

18 Greenbelt is a little community that really
19 should be preserved, and it is going to be sort of --
20 that is going to be an obvious thing. Okay. The City
21 of Greenbelt received some information that gave it

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1 realization that due to this concept of most direct cost
2 efficient routes, the radioactive wastes from Virginia's
3 two nuclear reactors would travel north, I'm going to
4 skip over certain words, north through, the trains going
5 through D. C. and Takoma Park and north through Western
6 Montgomery County and around this route has major
7 drawbacks.

8 It is a curving, mountainous route which may be
9 unsuitable for the waste casks, and unavailable during
10 winter. So another major CSX line in the area runs
11 right through Washington, D. C. and intercepts Prince
12 George's County, goes through Washington, Prince
13 George's County, Mount Ranier, where they have a
14 resolution against the waste passing through that area,
15 into Brentwood Heights, College Park and Greenbelt is
16 also the route that would be considered.

17 So then it also goes into detail of how
18 problems will arise, and I'm not going to go through it
19 all, but I will turn it in as comments, that the most
20 likely route for shipment of truck casks from Calvert
21 Cliffs would be Route 4 to I-495, which is the Capitol

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1. Beltway. This goes through our town.

2. We are talking about the Metro tracks of our
3. town, Greenbelt, and the Capitol Beltway, which we are
4. adjacent to. It implicates that Bowie on another train
5. track not far away would also have this waste coming
6. through it, and then right above us would be through
7. Takoma Park. It is just coming at us from all around.
8. Many, many, many opportunities for disaster for our
9. area.

10. Okay. So what I want to print or leave here
11. with you is that letter, and then the letters from our
12. City Council saying that they do not want this situation
13. to happen. This city realizes that this is a complex
14. issue, and that nuclear waste has to be stored
15. somewhere.

16. However, given the safety issues involved with
17. transportation of nuclear waste, the city believes that
18. this matter should receive careful, careful evaluation
19. and study before decisions are made.

20. It also says, the city, that this plan that
21. includes transporting nuclear waste from Northern

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1 Virginia and Calvert Cliffs would potentially endanger
2 hundreds of thousands of people in Prince George's
3 County, including the City of Greenbelt, and throughout
4 the nation, should some type of accident occur during
5 the transport of these materials. So I leave that here.

6 Coming from that place, I would ask that in the
7 Environmental Impact, there would be extensive studies
8 of all studies that were ever done of the danger of
9 low-level exposure to radiation, because the canisters
10 will give off some kind of radiation. There is an
11 underestimation of what happens with low-level
12 exposures.

13 There is traffic stopped on the beltway, the
14 railroad crossing. These are just facts that you know
15 you can sit there forever behind a big truck full of
16 canisters or at the railroad crossing.

17 So you have to go past what you want to do and
18 study all of the information on the dangers of routine,
19 non-accident situations to our communities, this
20 much-populated area, Greenbelt, Bowie, Beltsville, all
21 these communities, plus the jillions of others want to

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1 know how well the communities are being informed as to
2 what kind of training and equipment will be necessary
3 for every possible scenario.

4 This is in case of some kind of low-speed
5 accident could unseat a valve or damage a seal releasing
6 radioactive particles to the environment. The same
7 event could crack a brittle metal tubing. I'm reading
8 from an information sheet.

9 According to the Truck American Petroleum
10 Institute, heavy truck accidents occur about six times
11 each million miles traveled. With thousands of truck
12 shipments, at least 15 accidents would be expected each
13 year. Shipping containers are designed to withstand
14 crashes at 30 miles per hour.

15 Obviously, on the beltway and other
16 interstates, they go much faster than that. The thought
17 of fire and persons downwind inhaling radioactive
18 particles and later developing cancer or genetic
19 defects.

20 So low-level accidents and non-accident
21 scenarios must seriously be dealt with in EIS. Special

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1 effects on property values along the route, the effects
2 on image-based economy, risk assessment, further
3 sentence. That isn't my thought there. Pardon me.
4 What about local property values based on these other
5 two points?

6 Negative impacts on business in the area.
7 Perceived risks must be addressed. EIS should consider
8 impacts due to risk perception in these communities that
9 are very close to transportation routes.

10 There is no transportation system in place.
11 This idea of allowing everything to just fall through
12 the cracks, not really informing anybody that this is
13 their duty to find out how to avoid danger in their
14 area.

15 So the big questions are, from our point of
16 view, is how will the, my question again, how will the
17 communities be informed as to what absolutely all the
18 equipment and training that would be necessary to meet
19 these, to meet an accident scenario, including continual
20 training.

21 Because the workers, it can't be just one time.

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1 It has to be ongoing. Who pays for that? Will this be
2 ongoing training? How will the communities, and how
3 will it be paid for? Who is responsible to protect
4 first responders who may not have or know that they
5 should have equipment. First responders, what happens
6 to them? Are they just thrown away and expendable
7 people?

8 I think those questions are important to
9 address. It is more than address. You have to figure
10 out how you are going to let the communities know that
11 these problems exist and that they are going to have to
12 pay for it, or what.

13 Now, when is a cost a factor in EIS analysis?
14 Can you make clear, how will you make clear to everyone
15 involved what the total cost of the repository and the
16 transportation, including the studies, what is that in
17 total cost? How are you going to make clear what that
18 cost is? We need to know that cost.

19 Is there any chance that the EIS could consider
20 something regarding this, the fairness regarding the
21 cost of the, a fair distribution of the cost for this

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1 whole thing which involves environmental dangers to the
2 people. Okay. A fair distribution of the costs, a
3 breakdown, international waste.

4 Newspaper articles say it is going to start
5 coming to a North Carolina facility. Obviously, that is
6 the wave of the future. For security reasons, the
7 European radioactive waste will come to our country and
8 then go out to our Indian mountains.

9 MR. JULIAN: One minute, Ms. Stevens.

10 MS. STEVENS: Okay How can you address the
11 fairness? Obviously, maybe the taxpayer should pay for
12 international waste. That is a security issue. I
13 understand that.

14 But all other costs, how can you divide up the
15 other costs that have to do with the rate payer and the
16 power company? And how does that become the taxpayers'
17 duty to pay for the power company and the rate payer?
18 Can you address the fairness of that phenomenon? I feel
19 like the cost needs to be broken down. Okay.

20 MR. JULIAN: The ten minutes is up. If
21 you could just conclude quickly, please.

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1 MS. STEVENS: If they are up, I will give
2 up. I will send in some more comments.

3 MR. JULIAN: Again, written comments may
4 be submitted at any time during the 110-day period which
5 closes on the 5th of December, 1995. If you have
6 written comments that you would like to submit today,
7 you can submit them to the Department of Energy
8 representatives.

9 MR. FREELAND: We will mark those comments
10 Baltimore Number 3. Thank you very much for your
11 comments.

12 MR. JULIAN: Next registered commenter is
13 Paul Langosch, followed by Fred Millar.

14 MR. LANGOSCH: My name is Paul Langosch.
15 I live at 200 Lexington Drive, Silver Spring, Maryland.
16 The community that I live in is located less than a mile
17 from the Capitol Beltway, Interstate 495, and
18 approximately four miles from Interstate 95.

19 MR. JULIAN: I'm going to extend your time
20 as well as your microphone, Mr. Langosch.

21 MR. LANGOSCH: It is located approximately

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1 four miles from Interstate 95. The sheer number of the
2 shipments that are going to be coming through the State
3 of Maryland and using these interstates raises a lot of
4 questions to me as a resident of the community.

5 The first question is, you know, what is going
6 to happen if accidents occur? It seems like with the
7 numbers that we are talking about, the question isn't
8 really if accidents occur. It is going to be when
9 accidents occur.

10 Because I don't really think it is fair to
11 assume that with the amount of traffic that is going to
12 be going through there that nothing is going to happen.
13 Things are going to happen, and we are going to have to
14 deal with the problem.

15 I'm very concerned that there doesn't seem to
16 be anybody from my Congressman's office here today.
17 That really bothers me, because this is a problem that
18 is going to affect our community.

19 And I just want to urge the Department of
20 Energy to adopt the no-action plan at this time, because
21 I don't think that the impact has been assessed to our

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1 community. And that a lot of people are going to be put
2 at risk because of this plan for the shipment.

3 That's really all I have to say, just asking to
4 take no action at this time. Thank you.

5 MR. FREELAND: Thank you very much, Mr.
6 Langosch.

7 MR. JULIAN: Next is Fred Millar followed
8 by Karl Novak

9 DR. MILLAR: I am the D. C. coordinator of
10 the Nuclear Waste Citizens Coalition, 110 Maryland
11 Avenue, Northeast, Suite 307, Washington, D. C. 20002.
12 I would like to submit some preliminary comments on the
13 scope of the EIS for Yucca Mountain repository. I will
14 be submitting longer written comments later.

15 We appreciate the opportunity to comment on the
16 scope of the EIS for the Yucca Mountain geological
17 repository program, and we commend DOE for the full
18 manner in which so far it is implementing this EIS
19 process, although we agree with the State of Nevada that
20 some kind of indication to citizens of the routing
21 possibilities in their area would have guaranteed a much

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1 more full participation from citizens.

2 The Nuclear Waste Citizens Coalition represents
3 11 national and regional organizations concerned about
4 the disposition of nuclear waste, and we have
5 participated for our various groups in many 15 hearings
6 nationwide as part of this process.

7 I will skip the boilerplate. It is good that
8 the forthcoming EIS will analyze the transportation-
9 related impacts of the alternatives. As researched by
10 Doctor Paul Slovic and others as shown, and as our
11 groups can testify, transportation issues are of great
12 concern to many citizens.

13 We feel, however, that the current national
14 transportation options are not broad enough, the all
15 truck and all rail scenarios. We suggest that there
16 must be some consideration of the barge potentials given
17 the real precedence, for example the Shorham shipments
18 on the East Coast that have already occurred. We
19 endorse the comments by the State of Nevada on this and
20 other transportation-related issues.

21 In asking for a mile-by-mile consideration of

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1 the potential routes that DOE must analyze in the EIS,
2 we are extending, by analogy, the regulatory approach
3 that the California Public Utility Commission has
4 employed in its statewide emergency response regulations
5 on hazardous materials shipments by rail.

6 Those regulations require the railroads to
7 identify milepost by milepost the local emergency
8 response agency that they would call if there were an
9 accident at any given point along their routes.

10 Just as this regulation ensures that the
11 railroads must keep up to date in dealing with emergency
12 response agencies, DOE must in this EIS pay close
13 attention to and solicit public comment on the various
14 site-specific risk factors and emergency response
15 capabilities along each proposed route.

16 In considering the emergency response
17 capabilities along the proposed routes, we urge DOE to
18 give close attention to the long neglected NRC document,
19 NUREG/CR-2225. The title is An Unconstrained Overview
20 Of The Critical Elements In A Model State System For
21 Response To Radiological Transportation Incidents.

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1 Rockwell International was the author in November of
2 1981.

3 This document suggests that a medium-size state
4 should have in place an emergency response system
5 consisting of roughly 100 people, with an annual
6 operating budget of 5.6 million dollars, excluding the
7 necessary response vehicle costs. And the document
8 specifies in great detail the equipment, training and
9 state support necessary to make such a system viable.

10 This document, or rather a more up-to-date
11 version reflecting advances in emergency response
12 technology and radiological accident analysis should
13 also be salient in discussions on the DOE role in
14 funding under the long delayed 180 (c) program the
15 necessary several years of preshipment training called
16 for by Western governors.

17 The EIS should have various scenarios which
18 reflect various assumptions concerning the adequacy and
19 equipment and planning/organizational capabilities of
20 the local and state jurisdictions and impacted
21 corridors.

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1 In considering the specific routes to be
2 considered in the EIS, we suggest that DOE take to heart
3 a not-inexplicably neglected conclusion of the classic
4 study of rerouting for risk reduction purposes of
5 hazardous rail shipments. This study is by Doctor Ted
6 Glickman for the Transportation Systems Center in
7 Cambridge, Massachusetts and was published by U. S. DOT,
8 the purported regulator of routing.

9 Doctor Glickman first concludes, this is the
10 oft quoted part, that it would probably be counter
11 productive to have a blanket national policy of
12 requiring all hazmat railcars to avoid all cities,
13 because of the potential of forcing dangerous shipments
14 onto less adequate tracks.

15 He then goes on to recommend, however, that
16 there be city-specific analyses in densely populated
17 metropolitan areas, because it is entirely possible in
18 some areas accident risks can be lowered by rerouting
19 hazardous the most hazardous rail cargos to avoid dense
20 populations.

21 Of course, the same risk reduction principles



1 should also be used in consideration of routes by other
2 modes. As I said earlier, we will submit more detailed
3 comments at a later date.

4 MR. FREELAND: Thank you very much.

5 MR. JULIAN: Next registered commenter,
6 Karl Novak, followed by Eileen J. Supko.

7 MR. NOVAK: My name is Karl J. Novak. I
8 live at R. D. 2, Box 132, Clearville, Pennsylvania,
9 15535. I'm an active member of the following
10 organizations; the Pennsylvania Environmental Network,
11 Environmental Coalition On Nuclear Power, and Citizens
12 Environmental Organization of Bedford County,
13 Pennsylvania.

14 Two score and ten years ago, we started
15 building a nuclear enhanced economy, but as the plans of
16 men have sometimes gone haywire, we failed to invent a
17 foolproof outhouse that could and can isolate the
18 plutonium from mankind forever.

19 You would think that we would come up with some
20 neat device in these fifty years of enlightened
21 scientific times. It behooves us to look to two basic

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1 elements in this proposed dump. One, the sewer line.
2 Two, the outhouse.

3 I'm concerned about the sewer line. Why am I
4 concerned about the sewer line? It just so happens that
5 I live in a county that is more than likely to be one of
6 the host of the sewer lines as Bedford County, my home,
7 has been unfortunately blessed with the excellent
8 highways that are on the direct line to the State of
9 Nevada.

10 We have four nuclear reactor sites in
11 Pennsylvania and have the unholy geographic position of
12 gathering sewer lines from an additional ten sites in
13 nearby states. The present inventory of these 14 sites
14 require shipments from approximately 6,000 casks through
15 Pennsylvania.

16 Citizens of Pennsylvania are already at risk by
17 virtue of their faulty design of nuclear reactors. The
18 proposal to move the radioactive trash by truck and
19 train places an infinitely larger part of our
20 commonwealth's population in jeopardy. I view this as a
21 grave physical threat as well as a threat to the mental

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1 well being of everyone.

2 The recent acts of terrorism in New York City,
3 Oklahoma City and this week's train derailment in
4 Arizona are prime examples of the lunacy of our times.
5 I call upon your imagination to visualize the state of
6 public panic and subsequent antigovernment sentiment
7 generated by one act of successful terrorism on the
8 proposed nuclear sewer line.

9 We do not want another Three Mile Island
10 debacle courtesy of terrorists somewhere along the 2,000
11 mile journey to Nevada. We in Pennsylvania have had our
12 moment of terror. Why should anyone of rational mind
13 want to advocate the potential of another similar
14 disaster.

15 Now, on to Yucca Mountain, a site known to be
16 geologically unstable. How could any government pour
17 millions, actually billions in this case, of dollars
18 into a site that has this major flaw? We must not be a
19 party to what could become the second big nuclear lie.

20 This nuclear trash is hot stuff. It is so hot
21 that we must ask the question will the amount programmed

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1 for isolation because of its very nature go critical and
2 result in a holocaust that could be another blight on
3 the human race? This outcome is preventable and is
4 unnecessary, as we have the option to implement a safe
5 alternative.

6 I, for one, prefer the course of action that
7 will keep the unwanted nuclear trash on site at this
8 time, and proceed with the closing of each nuclear power
9 plant as the euphemistic swimming pool reaches its
10 critical limit.

11 When no additional radioactive waste is being
12 produced by nuclear power plants, we will know then the
13 quantity and character of the waste, then arrangements
14 and regulations will be implemented and safeguards
15 funded to enable the complete isolation and guardianship
16 of the nuclear waste for perpetuity. Thank you.

17 MR. FREELAND: Thank you, Mr. Novak.

18 MR. JULIAN: Next speaker, Eileen Supko.

19 MS. SUPKO: Good morning. I am Eileen
20 Supko from Energy Resources International in Washington,
21 D.C., a consulting company. I am speaking today on

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1 behalf of the Nuclear Energy Institute. I'm a nuclear
2 engineer. I have done extensive work following the
3 Department of Energy's program for spent fuel
4 transportation, utility waste storage at reactor sites,
5 and also the disposal program.

6 The United States operates nuclear reactors
7 which supply 20 percent of our electricity nationwide.
8 Nuclear power plays an important role in our nation's
9 electricity mix. It is going to continue to contribute
10 to that energy mix in the future.

11 The Department of Energy estimates that,
12 Department of Energy Information Agency estimates that
13 we will need another 200,000 megawatts of electricity
14 capacity by the year 2010. If the U.S. wants to
15 continue to meet its goals for reducing greenhouse
16 gases, that would be carbon dioxide, sulfur dioxide and
17 nitrous oxide, we need to continue to rely on nuclear
18 power which does not produce any greenhouse gases.

19 In addition to the continued use of nuclear
20 power, the U.S. must also begin to show progress towards
21 the storage and permanent disposal of spent nuclear fuel

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1 from commercial reactors. Recent progress by DOE in the
2 characterization of the Yucca Mountain site,
3 particularly, the operation of the tunnel boring machine
4 and construction of the exploratory study facilities and
5 initiation of this Environmental Impact Statement
6 process are important, very important milestones toward
7 the permanent disposal of spent nuclear fuel in the
8 United States.

9 As we heard today, a key element of the waste
10 management system is going to be transportation of spent
11 nuclear fuel from reactor sites around the country to a
12 proposed Federal system at Yucca Mountain.

13 The transportation of spent nuclear fuel is not
14 something new. Commercial nuclear industry has been
15 making shipments of nuclear wastes for the past thirty
16 years. There have been more than 2,000 shipments of
17 spent nuclear fuel during that time period, in addition
18 to the transportation of many other radioactive
19 materials on our highways and railways.

20 While there will be, indeed, a greater number
21 of cask shipments in any given year than we have seen

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1 over the past, the system will be based on safe, prudent
2 technology. Transportation casks are very robust
3 systems. They are made out of stainless steel lined
4 with lead. They go through a rigorous design and
5 testing program, and they have to be approved by the
6 Nuclear Regulatory Commission, as we heard earlier,
7 prior to being used.

8 I would also like to point out that spent
9 nuclear fuel is a solid material. For those of you who
10 are not familiar with what spent nuclear fuel looks
11 like, in the exhibit room, there is an example of a fuel
12 assembly. Since spent nuclear fuel is a solid material,
13 it is not something that can leak.

14 Transportation risks are admittedly low, as we
15 heard earlier from a representative of the State of
16 Nevada. I think this is an important issue, that people
17 should recognize that we have been transporting spent
18 nuclear fuel. As we do it in the future, it will be
19 done on a safe basis, and those risks are low.

20 You have heard many people talk about potential
21 accidents in their areas and what would happen with

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1 emergency response. You heard earlier from Wendy Dixon,
2 the Department of Energy does have a program under which
3 they would fund state agencies for training emergency
4 response personnel.

5 In addition to those state agencies that would
6 be responding, spent nuclear fuel shipments would be
7 tracked, and local utilities, with nuclear power plants,
8 would respond on a voluntary basis to help with the
9 emergency until other emergency response personnel could
10 arrive at the scenario.

11 We encourage the Department of Energy to
12 continue with progress on the civilian waste management
13 program, including preparation of this Environmental
14 Impact Statement, and to examine all those credible
15 scenarios that contribute to the safety of the waste
16 management system, while ensuring continued progress in
17 the program and minimization of delays.

18 I support DOE's plans to follow the
19 Environmental Impact Statement road map as laid out in
20 the Nuclear Waste Policy Act as they discussed earlier.
21 It is time that we as a nation look for solutions to

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1 this waste management problem, and that DOE and the
2 nation make a firm decision related to spent fuel
3 transportation and disposal. This Environmental Impact
4 Statement process is the first step in that direction.
5 Thank you.

6 MR. FREELAND: Thank you, Ms. Supko.

7 MR. JULIAN: We have no more preregistered
8 commenters this morning. However, are there any
9 individuals or organizations who would like to present
10 oral comments to us at this morning's session?

11 Let the record show that there are no more
12 commenters who have registered to speak or individuals
13 who would like to speak. We will, therefore, adjourn
14 this meeting for thirty minutes, until five minutes
15 after twelve. But we will remain available to receive
16 comments until the end of the scheduled comment period,
17 which is 12:30 this afternoon. We are now in
18 adjournment.

19 (Thereupon, there was a recess from 11:35 to
20 12:05 p.m.)

21 MR. JULIAN: The time is now five minutes

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1 after 12. I would like to reconvene to allow any other
2 individuals or organizations to present oral comments.
3 Are there any individuals or organizations who wish to
4 submit oral comments at this time?

5 There being none and none who have registered,
6 we will again adjourn for 25 minutes. We will reconvene
7 at 12:30, at which time, if there are no additional
8 commenters, we will close this morning's meeting. So we
9 are in adjournment until 12:30.

10 (Thereupon, there was a recess from 12:06 p.m.
11 to 12:30 p.m.)

12 MR. JULIAN: The time is now 12:30. We
13 will reconvene the morning scoping session for the
14 Baltimore, Maryland repository EIS scoping meetings.

15 At this time, are there any other individuals
16 or organizations who would like to submit oral or
17 written comments? Let the record reflect that there are
18 no individuals or organizations who wish to make oral
19 comments at this time.

20 It being 12:30, we will officially close the
21 morning scoping session. To remind you, we will have a

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1 repeat of the presentation, questions and answers, and
2 comment period this evening beginning at 6 p.m. here in
3 Baltimore. The morning scoping session is now closed.

4 (Thereupon, the EIS scoping session was
5 concluded at 12:30 p.m.)
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