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TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AUSTIN, TEXAS

Application for License to Authorize Near-Surface
Land Disposal of Low-Level Radioactive Waste
RW 4100

PUBLIC MEETING
THURSDAY, MARCH 31, 2005

BE IT REMEMBERED THAT AT approximately 7:18 p.m., on
Thursday, the 31st day of March 2005, the above-entitled
matter came on for hearing at the Andrews High School
Little Theater, 1400 NW Avenue K, Andrews, Texas 79714,
before JODENA N. HENNEKE, DON REDMOND, SUSAN JABLONSKI,
GEORGE FITZGERALD, MARY ALICE McCANN, DAN EDEN and TARA
DRISSELL; and the following proceedings were reported by
Leland Gamblin, Certified Shorthand Reporter of Permian
Court Reporters, Inc., 605 West Texas Avenue, Midland,
Texas 79701.

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1 MS. HENNEKE: Thank you all very, very
2 much for bearing with us for just a few moments.
3 Hopefully, with any luck, the sound won't go on the
4 fritz, but if it does, we're stringing a second system,
5 just in case.

6 My name is Jody Henneke. I'm with the
7 Texas Commission on Environmental Quality's Office of
8 Public Assistance. From here on out for the rest of the
9 evening, you'll just hear me say TCEQ. Again, thank you
10 for taking your time to be with us this evening. We're
11 going to -- usually, we don't have quite as much flurry
12 going back and forth, but, you know, when things don't
13 go right, you just make them happen, anyway, and that's
14 kind of what we're doing.

15 I also wanted -- what kind of started
16 this, to make sure that our sound was working, I wanted
17 to make sure that all of you knew that if you want to
18 make comment, formal comment on the record, that will be
19 the second part of the meeting.

20 We are going to want to make sure that you
21 have signed in. If you have not yet signed in to make
22 formal comment, there are sign-in sheets at the back of
23 the room where you came in. We'll get anyone who
24 chooses to make comment, that hasn't signed in, we will
25 ask that you do that before the meeting concludes.

1 I want to introduce the folks that are
2 here with us this evening. And I'm at that point in my
3 life where I have to have my glasses on to do that, so I
4 apologize.

5 I wanted to make sure that everyone knows
6 the elected officials that we have here with us this
7 evening. And in order, I have, representing Congressman
8 Mike Conaway, Ricky Wright is here. If you would kind
9 of stand and wave to make sure that people know where
10 you are.

11 Senator Seliger is here. Thank you, sir.

12 County Judge Dolgener is here. Thank you,
13 sir.

14 Mayor Robert Zap is here, as well. I
15 think I may also have some county commissioners with
16 Andrews County here. Commissioner Hubert, Commissioner
17 Young.

18 Are there any other elected officials that
19 I have not acknowledged?

20 UNIDENTIFIED SPEAKER: City Council.

21 MS. HENNEKE: City Council?

22 MS. BRIGHT: Laura Bright.

23 MS. HENNEKE: Thank you, ma'am.

24 And back here?

25 (INAUDIBLE SPEAKER)

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1 MS. HENNEKE: I think I also have a
2 representative with Senator Duncan's office here, as
3 well. Thank you, sir.

4 I would like to go ahead and introduce the
5 staff that is here with the agency, as well as the
6 applicant, and then I believe I have a few elected
7 officials that may want to make some comments early on.

8 With the agency, Susan Jablonski. Susan
9 is the radioactive waste specialist for the Commission.

10 Don Redmond. Don is the attorney the
11 executive director has assigned to this project.

12 George Fitzgerald. George is the team
13 leader for license review for the executive director.

14 Mary Alice McCann is the representative
15 from the Public Interest Council.

16 I also have Dan Eden, deputy director for
17 permitting, and he is here representing the executive
18 director.

19 Jed Barker, the regional director for our
20 regional office here in Midland is here, as well, with
21 my staff, running around doing sound and all other sorts
22 of things, Tara Drissell, who is walking down. Tara,
23 wave. Tara is the waste specialist in my office.

24 John Gillen, who tonight is running the
25 sound, is our air specialist in the Office of Public

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7

1 Assistance.

2 With the applicant, I have Kent Hance.

3 Kent, would you wave? George Dials, Dean Kunihiro and

4 Steven Cook.

5 Having done those announcements, I want to

6 come back, and I believe that Senator Seliger wanted to

7 make some comments. Sir, you're welcome to stay down

8 there or come up here, wherever you'd like.

9 PUBLIC COMMENT

10 SENATOR SELIGER: That's fine. Thank you

11 very much.

12 It's a pleasure to be back in Andrews.

13 And it's interesting I've only been a state senator for

14 a year, but some things I feel sort of that are

15 profoundly true, that it's not the role for an elected

16 official to tell a community what its future should be

17 composed of. It's the job of the state senator to

18 represent the aspirations and the vision of the people

19 who live in a community for what they want that

20 community to be in the future. That doesn't mean

21 they'll want you not to use good judgment and use good

22 values and assessments.

23 I'm not without some experience in that

24 area, because for eight years, I was the mayor of

25 Amarillo, and one our largest neighbors is the Pantex

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1 nuclear weapons plant. And the thing that has -- the
2 underpinning of public support in Amarillo for that have
3 been the same things that have been the underpinning for
4 the support we've seen in Andrews County, and that is a
5 project that's based upon good science and the very
6 highest standards of industrial environmental safety.
7 And in my experience, I think that WCS has been about as
8 rigorous and dedicated to the project that they propose
9 and they have put together in this community as you are
10 for the future of the community, the future of the
11 environment here and the future of your relatives and
12 you, personally, that will work here and that will live
13 here for many, many years. And it has been, I think, an
14 invaluable experience for me. My job, as always, is not
15 to draw a conclusion myself about what is best for this
16 community, but help you do what you think is best for
17 this community, and I hope that you will continue the
18 communications that have gone on to this point so that
19 we can do precisely that.

20 Thank you.

21 MS. HENNEKE: Thank you, Senator.

22 (Applause)

23 MS. HENNEKE: Judge? I believe you had
24 some comments you'd like to make, as well.

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1 PUBLIC COMMENT

2 JUDGE DOLGENER: I'm going to be real
3 brief. I just want to welcome, on behalf of the 13,008
4 people that live in this county, all the people that
5 came in that doesn't live here. And if y'all who came
6 in here need to talk to the people, we do have some
7 local people here that you can talk to about this
8 project.

9 This project, as y'all know, has been a
10 long time coming, and I appreciate the Commission
11 coming, as they have, and being as forthright. All the
12 time I've been a judge, the Commission, WCS and
13 everybody involved in this, government and private, have
14 been top board, trying to help each other with the
15 questions they have. And this is a public meeting, and
16 I really wish -- this is the only time in the
17 application that we're going to get to do this, so I
18 hope everybody will give the Commission what they
19 actually feel.

20 Thank you.

21 MS. HENNEKE: Thank you, Judge.

22 (Applause)

23 MS. HENNEKE: Mayor Zap, did you have
24 comments you'd like to make, as well?

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10

1 PUBLIC COMMENT

2 MAYOR ZAP: Being a preacher, this may

3 take all evening.

4 MS. HENNEKE: Now, you know that sound

5 system could go off any minute.

6 MAYOR ZAP: I join Richard in welcoming

7 each and every one here. And just one comment. Some of

8 us have been involved in looking at this and thinking

9 about this from the very beginning. And this is not

10 something that just happened on the spur of the moment.

11 It isn't that we don't appreciate the possibility of

12 jobs and other things for the community, but before any

13 of this happened, a number of people that are here this

14 evening, along with myself, went to different places,

15 asked questions, asked a lot of questions.

16 I just happen to have an environmentalist

17 as a nephew, who worked at the Wood site, and I said,

18 "Tim, what do you think about this as a project for

19 Andrews?"

20 He said, "You've got about as ideal a

21 condition as anyone could have."

22 And from him, if you know him, that was an

23 awful lot.

24 And we've tried to ensure the fact that

25 we're doing things properly, looking at the safety from

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11

1 every angle. And WCS has been tremendously cooperative
2 in every effort we've made. We are very appreciative of
3 this hearing this evening because it's only ensuring all
4 the more that all the steps are being taken, and care is
5 being manifest.

6 And I think one of the things that was
7 said at the very beginning is that Andrews sees its role
8 as maybe the best place for the disposal of this waste
9 for the sake of the whole nation, and we're very happy
10 we're able to do so.

11 Thank you.

12 (Applause)

13 MS. HENNEKE: Thank you, Mayor.

14 Are there other elected officials who
15 would like to speak at this moment?

16 (No responses)

17 MS. HENNEKE: Thank you.

18 I wanted to make sure that everyone knows
19 that we're here to do a public meeting because Waste
20 Control Specialists has applied to the TCEQ for a
21 radioactive material license that would authorize the
22 disposal of low-level radioactive waste.

23 And in order to provide as much
24 information for all of you that have chosen to spend

25 your evening with us, what we're going to do -- and

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12

1 perhaps you may have picked up an agenda outside --

2 we're really going to do this meeting in two segments.

3 The first part of the meeting this evening

4 is going to be with some information being given to you

5 all, both from the Agency as well as the applicant, and

6 then we're going to give you an opportunity to ask some

7 questions.

8 During that part of the meeting, we are

9 going to try our very best to answer those questions,

10 but those are what we would consider to be informal

11 questions. So I want you to be thinking about this

12 meeting being in two different phases, a

13 question-and-answer session, and then -- and we'll

14 differentiate between, when we leave one to go to the

15 second one -- a formal comment period.

16 Now, in a moment, Susan Jablonski is going

17 to give you some background information of how we got to

18 here, and then I'm going to ask the applicant to

19 describe their application.

20 Then I'll come back to the Agency and

21 ask -- you know, you always have to get the attorneys

22 involved. I'm going to ask Mr. Redmond to describe

23 where we are procedurally and what is yet to come, and

24 then I'm going to ask the Public Interest Council to

25 describe their role.

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1 Then we're going to come back and give you
2 that opportunity to ask questions.
3 Before we go any further, I would
4 appreciate it if -- I know the times that we live in,
5 many of us, if not most of us, have to carry a pager or
6 a cell phone with us. If you have one with you, both I,
7 as well as your neighbor, would appreciate it if you
8 would put your phone or your pager on silent, and if you
9 have to respond to that call, if you would go out to the
10 hallway to do that. The very first time I made the
11 announcement, the first cell phone that went off was
12 mine, so I have reserved the right since that time, the
13 first cell phone that goes off, I get to point and
14 giggle. So if you would, if you would go ahead and put
15 your electronic tethers on silent, I would appreciate
16 it.

17 For the most part, hopefully, at least
18 momentarily, I think we have the sound system kind of
19 tamed, but those of you on the back row or for that
20 matter, anywhere else in this hall, if you can't hear
21 us, if somebody would stand up and start waving, we'll
22 try to get it right.

23 I also want to make you aware that we are
24 recording this meeting on compact disk, as well as we

25 have a court reporter here, in front, who is taking down

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14

1 our every word as we speak. So on behalf of the court
2 reporter, if for whatever reason he needs us to be more
3 careful with names, I would appreciate it if you would
4 signal me, as well.

5 And while I'm saying that, before I get to
6 the part of the meeting, let me apologize in advance.
7 It's not an if, it's a when. When I mispronounce
8 someone's name at some point, please, please understand,
9 as I explained to someone earlier, most of the time, I
10 can't even pronounce my own children's names right
11 unless I have it written down phonetically in front of
12 me. So if I mispronounce your name, I apologize.

13 Having said all of that Ms. Jablonski, can
14 I get you to come to the mike? You can stay there, you
15 can come here, wherever you're more comfortable, and --

16 MR. GILLEN: Have her come up here.

17 MS. HENNEKE: Have her come here? Okay.

18 MS. JABLONSKI: Thank you, Jody.

19 I'm happy to be here tonight. Again, my
20 name is Susan Jablonski, and I am a health physicist
21 with the Texas Commission on Environmental Quality. And
22 I want to start by saying that the Commission takes this
23 role of regulatory responsibility very seriously over
24 the disposal of low-level radioactive waste. We are

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15

1 and safety.

2 To give you some background, under federal
3 law, radioactive low-level waste is the responsibility
4 of the State of Texas for the waste that's generated
5 within its borders. As part of dealing with that
6 responsibility, the State of Texas has entered into a
7 compact, an interstate compact, called The Texas
8 Compact, to deal with its radioactive waste with two
9 states, the states of Vermont and Maine. And we did
10 that officially in 1998.

11 Texas is also an agreement state, which
12 means that we have regulatory responsibility for
13 low-level radioactive waste at the state level. The
14 U.S. Nuclear Regulatory Commission has ceded its
15 authority to the Texas Commission on Environmental
16 Quality for low-level radioactive waste disposal, and
17 that's why we are here as the regulatory agency for this
18 application from Waste Control Specialists.

19 To give you some background, in 2003, the
20 78th legislative session passed House Bill 1567, which
21 marks a policy change in how the State is dealing with
22 the disposal of low-level radioactive waste. The key
23 changes to that legislation was it made the potential
24 for a private company to apply for a license. It also

25 allowed for the disposal of federal facility waste.

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1 What that means is waste from the federal government,
2 like the U.S. Department of Energy. And it also added a
3 fee that went into G.R. So those are some of the key
4 things this legislation did. It also set out a
5 statutory time frame for the process and put in
6 milestones for the Commission to meet as it went through
7 this process.

8 It laid out, as well, a potential siting
9 area specific to the panhandle region that we're in
10 today. And there were some specific requirements that
11 led this company in particular to Andrews. These
12 requirements are that it has to be less than 20 inches
13 of rain, it has to be more than 62 miles from the
14 international border with Mexico, and it can't be
15 touching any river segments associated with the Pecos
16 and Devils Rivers. Those are things that were actually
17 put into the statute that looked to the panhandle region
18 as a potential siting area.

19 The Commission was then responsible for
20 implementing that legislation after it was passed and
21 signed by the governor in June of 2003, so we started
22 immediately meeting with stakeholders in July of that
23 year.

24 And the Commission proposed rules on

25 August 6th of 2004 and finalized those rules. On

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1 December 17th, we actually adopted it.

2 Soon after that, we put out a notice that
3 we would be accepting applications at a statutory 30-day
4 period, which went on from July 8th until August 6th of
5 2004. During that period, we received one application
6 from Waste Control Specialists, and immediately the
7 staff began the administrative review of that
8 application.

9 There were three major steps in this
10 process. There's the administrative review, there's a
11 merit review and then a technical review. And we are
12 here at the point that we have completed the
13 administrative review, and part of the trigger is to
14 have this public meeting on administratively complete
15 applications.

16 During the administrative review, there
17 were three rounds, set out statutorily, of questions to
18 the applicant and responses back from the applicant. We
19 completed three rounds, and when we received the final
20 response from the applicant, from Waste Control
21 Specialists, we soon thereafter, on February 18th,
22 declared the application administratively complete, and
23 so that was the trigger for us to move forward with this
24 public meeting and to move forward with the merit

25 review.

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1 Part of the merit review requires us to
2 write a written evaluation, which goes to our executive
3 director of the TCEQ, and we will be doing that in the
4 month of April. And part of that document will also
5 include the comments that we have received in writing
6 and the comments that we receive today, orally. We will
7 be responding to those as part of the package that will
8 go to the executive director by May 1st.

9 After May 1st, we anticipate that we will
10 enter into the technical review of the application.
11 There are some major activities going on in that review,
12 including site characterization. We look at performance
13 assessment, which is an official term for looking at the
14 long-term ability of the site to meet performance
15 objectives.

16 We also look at financial assurance, which
17 are the assurances that there will be enough finances
18 available to handle any problems and ultimate closure of
19 a site. We will also look at the facility design, the
20 facility construction plan, the waste characterization
21 of the material that will be coming potentially to the
22 site. We look at a site closure plan. We look at
23 institutional control, which is a period after closure,
24 where the State will actually monitor the site.

25 We look at quality assurance, quality

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19

1 control, the personnel, their experience and their
2 education, and we will finally write an environmental
3 report, which will complete the technical review, that
4 we will also give to the E.D. and will be a public
5 document. And so that is a major undertaking that our
6 staff is about to take on. And George Fitzgerald, with
7 me, is the team leader for that group within the
8 Commission that is doing the review.

9 After that point, there is an opportunity
10 for contested case hearing, which Mr. Redmond will go
11 into more detail on, and then after that, if there is a
12 contested case hearing, it comes before the
13 commissioners of the TCEQ to make an ultimate decision
14 on issuance of a license.

15 And so that's the process in a very short
16 discussion. Thank you very much.

17 (Applause)

18 MS. HENNEKE: Thank you, Susan.

19 Mr. Hance, I think I either need you to
20 come up here or to that microphone. You can pick.

21 PUBLIC COMMENT

22 MR. HANCE: Jody, thank you very much.

23 And on behalf of Waste Control Specialists, we
24 appreciate your being here. We appreciate this turnout.

25 It's been almost 15 years since I came to Andrews

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20

1 County, of which I had been to many times before then,
2 and started working with the leadership of this
3 community about establishing Waste Control Specialists.
4 One thing I would point out is, the leadership of this
5 community not only hired their own experts to look at
6 the geology in where we were looking, but also to check
7 for water and other issues that might be important.
8 They also checked us out, and once they were assured
9 that we were the type of people they wanted to be in
10 Andrews, then they've been a very good partner ever
11 since. And to the people of Andrews and Andrews County,
12 I want to say a special thank you for that.

13 We feel like the best geology anywhere in
14 the nation is 30 miles west of here. We feel like that
15 we have the best people, and we have the great community
16 support.

17 I would like to just shortly introduce our
18 president. You know, in 2003, when the legislation was
19 passed, my job at that time was to find the very best
20 people that could help us in regard to licensing a
21 low-level radioactive waste disposal facility, and I
22 would like for our president, chief of operations,
23 George Dials, to stand up. George is a graduate of West
24 Point, with a degree in engineering. He has a Master's

25 in Nuclear Engineering from M.I.T. and also a Master's

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21

1 from M.I.T. in government/political science. And George
2 is originally from West Virginia and is a good guy to
3 work with, and, George, we appreciate your being here.

4 You also will hear from Dean Kunihiro.
5 Dean, you can wave at them or stand up, or both. And
6 Dean is also a graduate of West Point, and he has his
7 Master's in Nuclear Engineering from the Naval Academy.

8 And both these gentlemen have been well
9 trained. They know what they're doing. They were the
10 best that we could find in the nation. I will tell you
11 this. The people that we hire and the people that are
12 our experts are the very best we could find.

13 We appreciate the TCEQ having this
14 hearing. We sent out almost 6,000 letters notifying
15 people, something we didn't have to do, but notifying
16 people of this meeting, so you could come ask questions.

17 We have always had a policy, an open-door
18 policy, and if someone wants to come out and see the
19 facility, all they've got to do is call us, and we will
20 give them a tour.

21 Dean and George are -- I always joke that,
22 with a Master's in Nuclear Engineering and everything,
23 lots of time on the weekends, I go to basketball games,
24 and they sit around and work math problems. They did

25 tell me, it looks like we're not very excited. Don't

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22

1 tell them we do that all the time.

2 But at this time, I would like for Dean to
3 say a few words. And we will be here, and our people
4 will be here to answer any questions you might have, if
5 you have a question here, or if you have a question
6 afterwards or in the next few days. We also have Tom
7 Jones, our general manager, here. Tom lives here, and
8 he is the general manager at the site.

9 In closing, I just want to say a special
10 thank you to the people in Andrews. They're a people of
11 vision. And also a special thanks to TCEQ. We feel
12 that this is a decision that should be made based on
13 sound science and not emotions or outrageous statements,
14 but on the science. If the science says that we can do
15 it, then we should do it.

16 Dean?

17 (Applause)

18 PUBLIC COMMENT

19 MR. KUNIHIRO: Well, this is your meeting
20 tonight, and I do appreciate the opportunity to make a
21 few brief remarks before the public session tonight.

22 But what you see before you in these 19
23 three-ring binders is our license application. And,
24 obviously, there's much too much information in them for

25 me to even attempt to briefly summarize the information.

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1 It would probably take me till tomorrow morning. So,
2 instead, what I'd like to do is touch upon the reasons
3 why we have applied for a license and the reasons why we
4 believe our site is an ideal site.

5 First of all, why have we applied for a
6 license? Well, we have applied for a license because
7 the law permits us to do so. Previous to the law change
8 in 2003, only a Texas agency, the Low-Level Waste
9 Authority, could apply for such a license, so we are
10 taking advantage of it.

11 Secondly, there are enormous business and
12 economic benefits not only for our company, but also for
13 the County of Andrews and the state of Texas.

14 And, thirdly, we as a company are
15 committed to, and we are challenged by the opportunity
16 to help solve a state and a national problem by
17 providing for the safe disposal of low-level radioactive
18 waste.

19 Now, why do we believe that our site is so
20 ideal? Many of these things have been touched on
21 already. First of all, we're remote. We're about 30
22 miles west of where we are tonight. We are six miles
23 east of Eunice, New Mexico.

24 Secondly, we have a semi-arid climate. We

25 have about an average of 15 inches of rain per year, and

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24

1 we've got an evaporation rate that is twice that amount.

2 The geology: Because we are proposing to
3 develop a shallow-land burial site, it is important that
4 the ground beneath the surface is a suitable geology.
5 We have an ideal geologic formation. We sit on top of a
6 clay formation that is broad and deep. It's about 800
7 feet thick.

8 And out in the lobby, you can see some
9 core samples. We have drilled no less than 200 borings
10 at our site. We know our geology, and it concerns me
11 greatly when I read comments by the uninformed who claim
12 we sit on top of the Ogallala Aquifer. If there's one
13 thing I want you to take home tonight, it is that we do
14 not sit on the Ogallala Aquifer. The closest aquifer at
15 our site is the Trujillo Aquifer, and it's about 600
16 feet below the surface of the earth.

17 Fourth, we have a design that will -- we
18 own over 14,000 acres, but our landfills will occupy
19 only 100 -- less than 100 acres. We designed those
20 facilities so that we can embed the waste material
21 entirely in that clay formation, thereby effectively
22 ensuring the isolation of that waste forever.

23 Finally, and in my view, the most
24 important, and that is community support. Without it,

25 quite frankly, I would not be here, and I doubt that our

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1 company and all of us would be here tonight.

2 So let me close by remarking that it's

3 been 25 years since the passage of the federal

4 legislation that allowed states to enter into compacts

5 with one another. To date, there have been ten compacts

6 established throughout the United States. To date,

7 there have been no compact low-level waste sites opened

8 in the United States. Many states have failed.

9 California, Nebraska, Illinois, even the state of Texas.

10 Our license application documents the

11 bases for and our commitment to ensure that our proposed

12 low-level waste facility is protective of our workers,

13 of members of the public and the environment. And I

14 remain confident for the reasons that I've cited that we

15 will be the first low-level waste site to be approved in

16 this country. And if that happens, and it comes true,

17 it will largely be because of the enormous support and

18 encouragement that we've received from our community.

19 I want to thank you, as Kent has thanked

20 you for that support. We would not be here without it,

21 and I appreciate your coming tonight, taking time out of

22 your busy schedules to be heard.

23 Thank you.

24 (Applause)

25 MS. HENNEKE: Thank you, sir.

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1 Don? Don is going to describe for us
2 where we are procedurally and what is yet to come.

3 PUBLIC COMMENT

4 MR. REDMOND: Thank you.

5 Again, my name is Don Redmond, and I'm an
6 attorney with the Environmental Law Division of the
7 Texas Commission on Environmental Quality. Susan
8 explained earlier the process of how we got to here. I
9 would like to say where we go from here.

10 Tonight's public meeting is held as part
11 of the merit review process to obtain comments from the
12 public. By May 1st of this year, the executive director
13 of the TCEQ will respond to comments submitted to the
14 TCEQ up through tonight's public meeting as a part of
15 this application selection process, and then we'll
16 proceed with a technical review of the application.

17 The technical review of the application is
18 anticipated to take 15 months. After completion of the
19 technical review, if the executive director recommends
20 approval of the application, the executive director will
21 prepare a draft license.

22 At this point, there will be another
23 public notice that includes the final deadline for
24 submitting public comments or for requesting a contested

25 case hearing on the application. And a contested case

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1 hearing is a legal proceeding similar to a civil trial

2 in state district court.

3 After that deadline for submitting public

4 comments, the D.E. will prepare another written response

5 to the comments submitted and forward a final

6 recommendation to the commissioners of the TCEQ.

7 At that point, the TCEQ commissioners

8 would then consider all of the outstanding hearing

9 requests and either refer the application to the State

10 Office of Administrative Hearings for a hearing or make

11 a final decision on the application.

12 If a contested case hearing is convened,

13 the recommendation from the administrative law judge is

14 expected to be provided within one year of the

15 development of the draft license. The commissioners of

16 the TCEQ would then make a final decision based on the

17 recommendation from the administrative law judge and the

18 evidentiary record that's developed in that hearing. So

19 that's the process for this application.

20 Thank you.

21 (Applause)

22 MS. HENNEKE: Thank you, Don.

23 Mary Alice, can I get you to come describe

24 the Office of Public Interest Council's role in this

25 kind of procedure?

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1 PUBLIC COMMENT

2 MS. McCANN: Thank you, Jody.

3 Good evening, everyone. My name is Mary

4 Alice Bohlen McCann, and I'm here on behalf of the Public

5 Interest Council. The Office of the Public Interest

6 Council is a small section of the Texas Commission on

7 Environmental Quality that was created by the

8 legislature to act as a representative of the public

9 interest at permitting proceedings like this one, and I

10 have been assigned to this case.

11 My office also acts as an informal legal

12 resource for the public, wherein the public can call us

13 and ask us general legal questions about what's going on

14 with the application, the process of the application,

15 whether -- how they could file hearing requests if they

16 wish to, how they could file comments, when their

17 response to comments would be coming out.

18 And I'm more than happy to talk to anyone

19 here or any of your friends if you have any questions

20 about this application. My phone number is

21 512-239-6361, and that's my direct dial line. And I'll

22 be leaving a stack of cards in the front, here, if you

23 wish to come get a card. I do need to let you know the

24 Office of Public Interest Council cannot act as the

25 personal representative of any member of the public,

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1 since we represent the public as a whole, but as I said,
2 we were created by the legislature to be here for you,
3 to answer any questions we can.

4 Thank you very much. And I appreciate all
5 of y'all coming out this evening.

6 (Applause)

7 MS. HENNEKE: Thank you, Mary Alice.

8 We have a large number of people who have
9 signed up to give us comments. With that, we are going
10 to -- we're going to take some questions. We're not
11 going to do a whole lot of questions, but we're going
12 to -- I want to give you all the opportunity to ask a
13 few questions, and then we'll go into the formal comment
14 period.

15 As in any kind of meeting, as a general
16 rule, especially, we recognize it's a weekday evening,
17 and if we stay too terribly long, we begin to lose
18 people, and the very important part are those formal
19 comments that you give us. So I think I'm going to
20 take -- let's start out by saying I'm going to take
21 about five questions, and then we'll kind of take a
22 measure, see where we are, and we may at that point go
23 into formal comment.

24 I think I figured out, from what John was

25 telling me, I have this microphone that works and this

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1 microphone down here on the floor. Is this one working
2 now, too? Okay.

3 If you have a question that you would like
4 to ask of the applicant or of the Agency, I'm going to
5 ask that you come to one of these two microphones, state
6 your name, and then ask your question. And before John
7 whacks me on the back of the head, I'm going to gently
8 ask you, in the beginning, please don't touch the
9 microphones. Just come up there and ask your question.

10 Is there anyone who would like to ask a
11 question? I need you to come to the microphone, sir,
12 and go ahead and state your name. And while you make
13 your way to that microphone, I want to remind you all
14 that we want you to keep your questions on this
15 particular part of the proceedings, where we are now,
16 the application for the license, I want to explain to
17 you all in advance that one of the examples that I
18 typically give would be for one of the folks, and I will
19 pick on Dan, since I've known Dan for a very long time,
20 for Dan to come to the microphone and say, "Jody, honey,
21 I love you dearly, but you've been on a diet your entire
22 time I've known you. When are we going to see less of
23 you?"

24 That would be a personal attack. I don't

25 want to hear any personal attacks. I want to hear real,

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1 honest, for real, straight-up questions on this
2 particular application.

3 Having said that, sir, can I have your
4 name and your question, please?

5 MR. POST: My name is John Post.

6 MS. HENNEKE: Yes, sir?

7 MR. POST: I've lived in the County since
8 1934. My question is, I understand the WCS already has
9 a permit to move, transport over 700 railcar loads, one
10 and a half million cubic feet of radioactive waste, from
11 the Vernal site in Ohio, where it is currently leaking
12 and polluting the water. That's the reason it's being
13 forced -- has to be moved. Texas is one of only five
14 states that is eligible to receive this waste, and the
15 other four have already refused to take it.

16 My question is, WCS moves this site --
17 moves this material to Andrews County, and fails to
18 receive a permit for permanent disposal of it, what will
19 they do? And will we be stuck with it for the next four
20 and a half billion years of the half-life of a
21 radioactive material?

22 Thank you.

23 MS. HENNEKE: I'm going to start out, and
24 Susan, I'm going to look to you for a moment. Can I --

25 and I apologize in advance, both to the applicant and to

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1 the Agency. When I look to you, you guys are going to
2 have to come up to this microphone.

3 Susan, can I get you to describe where we
4 are with what we're here for tonight, again, to talk
5 about questions, and then is there any information that
6 we can use to address that?

7 MS. JABLONSKI: Where we are in this
8 low-level radioactive waste application is we're at
9 administrative completeness at this point, and we
10 haven't started the technical review.

11 Mr. Post, your question is referring to a
12 permit not issued by our agency. It is issued by a
13 sister agency, the Department of State Health Services,
14 and the disposal permit would also be issued by that
15 state agency, not our state agency.

16 MS. HENNEKE: Thank you.

17 MR. DEAN: Ms. Jablonski, I think I can
18 answer that.

19 MS. HENNEKE: You're going to have to come
20 up here.

21 MR. DEAN: Yeah. I'm sorry.

22 I think I can answer Mr. Post's question
23 directly.

24 Mr. Post, we have a license condition

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1 that would authorize us to take the material that you've
2 mentioned, but it has a very explicit date of October of
3 '07. We must have either a license to dispose of it,
4 and permanently dispose of it in our licensed facility
5 and/or that material must be removed from our site. So
6 the answer to your question, it will not remain in the
7 state of Texas beyond October of '07.

8 MS. HENNEKE: Thank you, sir.

9 Other questions, please? Sir, I really am
10 not going to be able to let you yell from the back,
11 so -- was there another question? If you have a
12 question, if I can go ahead and have you come and make
13 your way to the microphones.

14 MS. PRYOR: He asked, "Where will it go?"

15 MS. HENNEKE: Ma'am, can I have your name,
16 please?

17 MS. PRYOR: I'm Peggy Pryor.

18 MS. HENNEKE: And your question?

19 MS. PRYOR: He asked you, "Where will it
20 go?"

21 MR. KUNIHIRO: Nevada.

22 MS. HENNEKE: Sir? You're going to have
23 to come up here. I apologize.

24 MR. KUNIHIRO: That material has several

25 places it could go. Among them is the Nevada Test Site,

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1 in Nevada.

2 MS. HENNEKE: Are there other questions?

3 This is kind of like an option. You get about three

4 shots at it. Are there any other questions?

5 Tara? Coming this way?

6 Yes, ma'am. Your name, please, and your

7 question.

8 MS. GARDNER: Yes, ma'am. My name is Rose

9 Gardner. And I've heard the term "remote" used here

10 tonight. Remote as compared to what? Remote as

11 compared to Andrews, remote -- the site is remote as

12 compared to Odessa? Houston? Dallas? Remote, to me,

13 means six miles from Eunice. Since I live in Eunice, it

14 is not a remote site. And I'm very concerned about not

15 just this waste issue, but the potential waste issue of

16 the uranium count mounting and the possible distribution

17 of the waste from the LES plant proposed in Eunice.

18 MS. HENNEKE: Let me interrupt you just a

19 moment and tell you that you are making a comment, and

20 I'm going to get back to you on the second part of the

21 meeting and ask you to repeat that comment.

22 MS. PRYOR: Okay.

23 MS. HENNEKE: Okay.

24 MS. PRYOR: Okay.

25 MS. HENNEKE: Hang on. We'll be back with

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1 you in the second part of the meeting, because you
2 really haven't asked us a question yet, but you are
3 giving us very good feedback on what your comments are.

4 MS. PRYOR: I just would like to know what
5 remote is in this context.

6 MS. HENNEKE: In the context? All right.
7 I think I can try that.

8 Can I get you all to perhaps elaborate a
9 little bit on what you consider like -- the definition
10 of the word "remote."

11 MR. KUNIHIRO: You're absolutely right.
12 Remote is a relative term. And being a city boy, having
13 been brought up in California, and most recently,
14 Las Vegas, and now Dallas, a city environment, an urban
15 environment, is certainly not remote in my view. But
16 our site, where it is located, in my relative view is a
17 remote site.

18 MS. HENNEKE: Thank you, sir.

19 Was there another question? Yes, sir.

20 JUDGE DOLGENER: Richard Dolgener. Could
21 y'all explain what bonds or things will be issued, where
22 this waste will end up, and whose property will it end
23 up as?

24 MS. HENNEKE: Mr. Kunihiro?

25 MR. KUNIHURO: Judge, I believe you're

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1 referring to the long term, after the site is closed.
2 By regulation, we are required to permit and deed our
3 property to the appropriate state or governmental
4 entity. And in the case of our site, we would have a
5 compact site. That property, once the landfills are
6 closed and certified sealed and covered, the property
7 would be deeded to the State of Texas. For federal
8 disposal cell, that property would be deeded to the
9 federal government. Most likely the agency would be the
10 Department of Energy.

11 MS. HENNEKE: Thank you, sir.

12 And I'm very proud to acknowledge that my
13 phone was not the first one that went off this time.

14 Sir, you had another question? Can I get
15 you to come back to the microphone? And while he is
16 making his way, if there is someone else who would like
17 to ask a question, I would ask that you would come to
18 the microphone over here.

19 MR. POST: It was my understanding that
20 the Nevada Test Site had already refused to accept this
21 waste. Is that not true?

22 MR. KUNIHURO: It is true. The Nevada
23 Test Site --

24 MS. HENNEKE: Sir, I really -- the

25 recording has to come through here. I apologize.

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1 MR. KUNIHURO: What you say is true. The
2 Attorney General has protested the Department of
3 Energy's sending of the waste to the Nevada Test Site.
4 However, that is not a decree that prohibits the
5 Department from ultimately sending the waste to the test
6 site. The state has objected, but --

7 MR. POST: If they won't take it, I don't
8 know how you can send it.

9 MR. KUNIHURO: Okay. Well, that will be
10 between the State of Nevada and the federal government,
11 I think.

12 MS. HENNEKE: Are there any other
13 questions? I've taken five. I have one more coming.
14 It's about eight o'clock.

15 Yes, sir. Can I have your name, please?

16 MR. TATRIL: My name is Gordy Tatril.

17 MS. HENNEKE: And your question?

18 MR. TATRIL: There seems to be some
19 confusion here tonight about what the permit that
20 this -- it's my understanding it's a low-level permit.
21 And what types of material might be taken out there to
22 be disposed of?

23 MS. HENNEKE: So your -- tell me what your
24 question is.

25 MR. TATRIL: What kinds of things are

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1 going to be buried out there?

2 MS. HENNEKE: Okay. Mr. Kunihiro?

3 MR. KUNIHIRO: I think the short answer is

4 the material that would be buried out in our proposed

5 facilities would be low-level radioactive waste, or what

6 is referred to as mixed waste, radioactive waste that's

7 been contaminated with, also, hazardous materials.

8 MS. HENNEKE: Are there any other

9 questions?

10 Ms. Drissell, can I get you to hand me the

11 sign-in sheets? Tara has also reminded me if anyone has

12 written comments that you would like to turn in this

13 evening, please make sure that you do so before you

14 leave. And it would be helpful if you handed those in

15 to us, rather than just leaving them on the table. That

16 way, we can make sure that they were properly entered.

17 Before I ask John to make the line in the

18 sand, if you will, to mix metaphors on a compact disk,

19 going to the second part, I wanted to be very clear with

20 everybody that we are going into the formal comment

21 period on this particular application.

22 At this point, neither the applicant nor

23 the agency will be responding verbally, so I'm going to

24 let everybody take about two seconds and stand up and

25 turn around and stretch if you'd like. I know we had

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1 you in here a few minutes before the sound system got

2 operational. Please don't go very far, because I'm

3 going to call you back in about three minutes.

4 (A break taken, 8:06 to 8:12 p.m.)

5 PUBLIC COMMENT PERIOD

6 MS. HENNEKE: Before we get started, Tara

7 asked me to announce to you all, we have, we think,

8 received three sets of written comments, one from the

9 City of Hobbs, New Mexico, one from the New Mexico State

10 Senate, one from John White, with the University of

11 Texas Southwest Medical Center at Dallas.

12 If there are other written comments that

13 you have submitted, would you please stand up and wave

14 your hand and get Tara's attention?

15 Tara, we also have one over here.

16 MS. DRISSELL: I have yours.

17 MS. HENNEKE: Thank you all very much.

18 Again, my name is Jody Henneke, with the

19 Texas Commission on Environmental Quality. We're going

20 to open the formal comment period for the proposed

21 radioactive material license application by Waste

22 Control Specialists.

23 I'm going to be calling people to the

24 microphone, in hopefully the order in which you have

25 signed up. Again, I apologize if I mis- or when I

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1 mispronounce your name. If I mispronounce your name, I
2 would appreciate that you would state it again
3 correctly.

4 Sir, I'm going to be calling people to the
5 microphone.

6 MR. WHITE: I'm John White. You called
7 me.

8 MS. HENNEKE: No, I actually was saying I
9 had your written comments. If you misunderstood me, I
10 apologize.

11 MR. WHITE: No problem.

12 MS. HENNEKE: We'll get to you. Really.
13 I promise.

14 MR. WHITE: Okay.

15 MS. HENNEKE: With that, there's always a
16 good way to start a meeting. Thank you, Mr. White.

17 Our first commenter is going to be
18 Dr. Robert Bernstein. And, Dr. Bernstein -- I think,
19 Tara, can you see if we can help Dr. Bernstein with that
20 microphone?

21 Following Dr. Bernstein will be John
22 White. And following Mr. White will be John Post.

23 When I call your names to the microphones,
24 if you have, for whatever reason, decided to not make

25 comment, if you would just wave me off, I will go on to

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1 the next one.

2 Dr. Bernstein.

3 PUBLIC COMMENT

4 DR. BERNSTEIN: Thank you very much.

5 A few weeks ago, I could have jumped up

6 there, but I just turned 85, and I'm feeling it.

7 Good evening. I am Dr. Robert Bernstein,

8 a physician, and I was the Texas Commissioner of Health

9 for 11 years, from 1980 to 1991.

10 Prior to that, immediately prior to that,

11 I was the Commanding General of the Walter Reed Army

12 Medical Center in Washington, D.C., for six and a half

13 years. That was my first assignment -- I'm sorry -- my

14 final assignment. My glasses are --

15 MS. HENNEKE: I know what you mean. I

16 hate having to wear them.

17 DR. BERNSTEIN: I'm sorry. That was my

18 final assignment of a 34-year army career, serving

19 around the world as a physician. I have served in both

20 the Korean and the Vietnam conflicts. In Vietnam, I

21 served as the command surgeon, the senior surgeon, for

22 all of the Allied troops, in '70 through '72, so almost

23 all of my medical career was dedicated to protecting the

24 health of the military and, later, citizens of Texas.

25 I am a certified specialist in internal

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1 medicine. And my training and interest in low-level
2 nuclear waste dates back to 1958, when I was a nuclear
3 medical officer in the Army and at one time the interim
4 chief of the radioisotope clinic at Walter Reed Army
5 Medical Center.

6 Later, as the health commissioner, I
7 directed the Texas Health Department in its
8 responsibilities as the regulator of low-level nuclear
9 waste. We had the whole program at that time. And I
10 must say that our program was a model for this country,
11 and many states wish they had a system like ours.

12 And it was then that we began the task to
13 develop a very needed permanent site for disposal.
14 Working with the great southern trader and others in
15 1980 or '81, the law was passed. We thought the problem
16 was solved. And here we are, still fighting it.

17 During my own clinical experience, and
18 later, it was so clear how the use of radioisotopes
19 revolutionized the science and practice of medicine.
20 Without their use, the protection of the public's health
21 would suffer a great disadvantage. The diagnosis of
22 disease is greatly aided, and in some cases the only
23 method of diagnosis depends upon isotope use. Also, the
24 treatment of disease is greatly enhanced.

25 Perhaps the most important and exciting

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1 use of isotopes in health is in research. The promise
2 for a cure of cancer, AIDS, diabetes and other such
3 serious diseases lies in the understanding and the
4 manipulations of the basic human cell and its genes,
5 et cetera. And the only way to achieve this is through
6 the use of radioactive isotope assay and analysis.
7 Radioisotopes are an absolute necessity for today's
8 health care delivery.

9 It then clearly follows that there must be
10 a safe, secure and easily accessible system in place to
11 properly manage and dispose of the low-level radioactive
12 waste produced. If not, harmful results could then
13 ensue.

14 Listen to this: Today, in Texas,
15 684 institutions, including universities, mostly medical
16 research, use radioactive materials and produce such
17 waste. They all require a safe disposal system, and
18 this proposed facility will do just that.

19 There are people who are opposed to this
20 plan, who say that the generators ought to take care of
21 their own waste. That is absolute nonsense. Can you
22 see hospitals with barrels of waste sitting on their
23 ceiling -- on their roofs? And you know what happens to
24 those barrels.

25 Also, opponents of this facility will say

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1 that we don't need any radioactive materials. They
2 emotionally fight to do away with nuclear medicine, to
3 stop nuclear power and to force industry to abandon
4 nuclear technology.

5 I've got a six-foot-seven guy doing this
6 for me.

7 All these actions, or any of those
8 actions, I can assure you, will do harm. And the creed
9 of the health care community is to do no harm. We
10 cannot deny the life-saving gift of nuclear medicine.

11 By the way, I wish we could get the media
12 to quit calling these sites dumps. I'm so sick of it.

13 (Applause)

14 DR. BERNSTEIN: There was a time when we
15 did dump solid waste into certain areas, but even that
16 has changed. But, certainly, the science involved in
17 dealing with nuclear waste is just -- ain't no dumping.

18 Constructing and operating this facility
19 will more than satisfy our responsibility to safely deal
20 with the produced waste materials, safeguarding the
21 public and better protecting the environment.

22 As a physician and virtually a lifelong
23 public servant, I ask you to do no harm and to approve
24 the license for this facility. There are no cogent

25 scientific arguments to oppose it, and it is essential

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1 to assuring our healthy future.

2 Thank you.

3 (Applause)

4 MS. HENNEKE: Thank you, Dr. Bernstein.

5 And I personally thank you for your many years of public

6 service.

7 (Applause)

8 MS. HENNEKE: Thank you very much.

9 John White, followed by John Post,

10 followed by David Post. Go ahead, sir.

11 MR. WHITE: Thank you. Big shoes to fill.

12 Thank you, sir

13 I'm John White. I'm a certified nuclear

14 medicine technologist, and I'm the radiation safety

15 officer for The University of Texas Southwestern Medical

16 Center at Dallas, Parkland Memorial Hospital, Children's

17 Medical Center, St. Paul University Hospital, Zale

18 Lipshy University Hospital and the Moncrief Cancer

19 Centers in the Dallas-Fort Worth area. I'm the former

20 radiation safety officer of the University of Texas at

21 Austin, a past president of the South Texas Health

22 Physics Society and now the president-elect of the North

23 Texas Chapter of the Health Physics Society. The Health

24 Physics Society is a national organization dedicated to

25 radiation safety. The vital life-saving diagnostic and

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1 therapeutic activities undertaken at the institutions I
2 serve depend utterly on the ability to acquire, utilize
3 and transport radioactive materials, including the waste
4 products generated by those institutions and the waste
5 products generated by the manufacture of those isotopes.

6 At the present time, waste is building up
7 in storage at locations throughout Texas, including the
8 institutions I serve. Currently, waste products are
9 being stored pending the establishment of a site in
10 Texas. Costs to dispose of the waste products have
11 increased dramatically and are continuing to increase,
12 and the closure of the site at Barnwell, South Carolina,
13 makes the need for a disposal location critical.

14 Transport of radioactive materials has
15 been a daily occurrence in most cities in the state and
16 nation for more than 30 years, including not only
17 routine medical isotope deliveries to hospitals for
18 diagnostic and therapeutic procedures, but also
19 dedicated waste shipments. How could one accept that a
20 procedure would not be available in a hospital or clinic
21 to diagnose a brain tumor, prostate cancer, breast
22 cancer or perform a thyroid ablation in themselves or a
23 loved one simply because their hospital or clinic is
24 unable to receive the shipment or dispose of the

25 resulting rad waste from the treatment? In order to

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1 generate short half-life medical isotopes, producers
2 must, because of the laws of physics, generate long
3 half-life isotopes as a by-product, which are not
4 useable for medical procedures.

5 At some point, the lack of a rad waste
6 disposal resource for these longer half-life
7 radioisotopes will hamper or prevent the development and
8 generation of medical generation. Low-level waste is
9 just that, low-level. Since the materials result in
10 limited exposure to the public, and the public good is
11 searched by use of the materials, the transport is
12 judged by federal and state regulatory authorities as
13 low-risk and acceptable.

14 The daily shipments of medical isotopes in
15 our cities and towns involve relatively large quantities
16 of radioactive material, which is also far more
17 concentrated than the lab trash generated as low-level
18 waste. To handle shipments in a post 9-11 environment,
19 the law enforcement and HazMat response personnel have
20 received extensive training, drills, and significant
21 amounts of equipment and resources. Knowledge of
22 radiation physics has increased dramatically in the
23 response community due to the science-based training and
24 education presented by professionals who understand

25 radiation. The state of Texas has received grants from

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1 federal agencies to provide drills, training and
2 equipment purchases, and equipment has been given free
3 of charge to police and fire HazMat personnel from
4 federal and state surplus stocks.

5 The Health Physics Society is composed of
6 radiation safety professionals who work in all aspects
7 of society: Medicine, testing, construction, education,
8 private industry, public service, military service and
9 environmental compliance. Our focus is to understand
10 the effects of radiation on humans. The North Texas
11 Chapter has over a hundred members from these areas and
12 is a valuable resource for routine users of radiation
13 and emergency responders to any radiation incident.

14 We urge the state of Texas to provide a
15 service to the citizens of the state and establish a
16 low-level waste depository.

17 MS. HENNEKE: Thank you, sir.

18 (Applause)

19 MS. HENNEKE: John Post, followed David
20 Post, followed by Jose Lopez.

21 PUBLIC COMMENT

22 MR. JOHN POST: Well, you would think
23 from what all we've heard that every state in the union
24 would be climbing over each other wanting this waste

25 site.

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1 MS. HENNEKE: Sir, can I get you to state
2 your name, please?

3 MR. POST: My name is John Post.

4 Dear members of the Commission: My name
5 is John Post. Our family ranch is located about 11
6 miles south of the proposed site of the WCS landfill, of
7 which they have made application to permanently dispose
8 of low-level radioactive waste.

9 My grandparents homesteaded here in 1909,
10 and four generations of our family have managed to
11 assemble an 18,000-acre ranch. We have only two sources
12 of water on most of it. One is the Sandstone Formation,
13 that I believe is the same as the 225-foot water
14 formation at the WCS site, only here it is about 400
15 feet deep. The other is the Santa Rosa. And I
16 understand -- Santa Rosa formation is about the same
17 depth as it is at the WCS site. I understand that WCS
18 uses a considerable amount of water from its Santa Rosa
19 well, and we have noticed the static level of water in
20 our well has dropped several feet since WCS began using
21 water from this aquifer formation. We have only one
22 well that is in the formation just above the top of the
23 red bed, which I believe is the same formation found on
24 top of the red bed at the WCS site, where it is dry. I

25 am extremely concerned that all of these zones are

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1 connected and that fractures in the red bed could allow
2 communication of radioactive liquid within the
3 formations, rendering our ranch unusable for the
4 production of livestock.

5 There are many ranchers in the area who
6 will be put in the same position. I strongly urge the
7 Texas Commission on Environmental Quality consider the
8 possible impact on a large area surrounding the WCS site
9 and deny this application by WCS, in view of the fact
10 that this radioactive material is said to have a
11 half-life of four-and-one-half million years.

12 Thank you.

13 MS. HENNEKE: Thank you, Mr. Post.

14 (Applause)

15 MS. HENNEKE: David Post, followed by Jose
16 Lopez, followed by Paige Whiteside.

17 Go ahead.

18 PUBLIC COMMENT

19 MR. DAVID POST: My name is David Post,
20 son of John Post, operating the family ranch that he
21 just described. Prior to ranching, I served in the
22 United States Navy for five years as an
23 engineer-qualified nuclear training submarine officer.
24 I've supervised the operation of a critical reactor

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1 and personally supervised the handling, storage,
2 monitoring and transfer of radioactive material. I'm
3 opposed to the selection of the Post site in Andrews
4 County for the disposal of low-level radioactive waste.

5 My primary concern lies with the hydrology
6 of the proposed site. According to Waste Control
7 Specialists' application, in Appendix 11.1.1, there are
8 five different water-bearing formations at the proposed
9 site, at 80 feet, 180 feet, 225 feet, 600 feet, and
10 1140 feet-plus. Waste Control Specialists performed
11 many studies in an attempt to show that the presence of
12 these formations are not a concern and that the red bed
13 clay would provide a suitable containment medium.

14 We must be 100 percent sure that
15 radioactivity will not leave the site, not just
16 reasonably certain. It would seem to me that the wisest
17 course of action would be to select a site with no
18 shallow groundwater formations to contend with. Surely,
19 many such sites exist in the state of Texas.

20 Low-level radioactive waste must be
21 disposed of somewhere, and safely. That is a fact.
22 This should be done by taking the criteria for a
23 suitable landfill and searching for the site that best
24 meets this criteria.

25 In this case, the opposite has been done.

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1 Waste Control Specialists has taken their site and
2 evaluated it to try to fit the criteria. The safety of
3 the public and environment require the best possible
4 site be found and not a marginal one.

5 I urge the Texas Commission on
6 Environmental Quality to consider the technical aspects
7 of this application carefully. The burden of proof
8 rests with Waste Control Specialists to prove that this
9 site is suitable, not with the Commission to prove that
10 it's unsuitable. The Commission's primary
11 responsibility, as you have stated earlier in the
12 meeting, is to protect the people of Texas and to
13 safeguard the environment, and not necessarily to ensure
14 that Waste Control Specialists is granted this license.

15 Thank you very much.

16 (Applause)

17 MS. HENNEKE: Thank you, Mr. Post.
18 Dr. Lopez, to be followed by Paige Whiteside, followed
19 by Guy Crawford.

20 Go ahead, sir.

21 PUBLIC COMMENT

22 DR. JOSE LOPEZ: Thank you for the
23 opportunity to comment. I am Dr. Jose Lopez, and I
24 presently function as director of environmental health

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1 Medical Center at Dallas, which includes Zale Lipshy
2 University Hospital and St. Paul University Hospital. I
3 also continue as a form of radiation safety officer for
4 the same locations.

5 I speak to you on behalf of the University
6 of Texas System Environmental Health and Safety Advisory
7 Group, the Radiation Safety Officer Advisory Group and
8 as a former president of the North Texas Chapter of the
9 Health Physics Society.

10 My experience has shown me that sources of
11 radiation are among the awesome, diverse, powerful tools
12 and techniques used in modern medicine. As radiation
13 safety officer for these hospitals, I had the
14 opportunity to witness on a daily basis life-saving
15 medical, diagnostic and therapeutic procedures involving
16 radioactive materials. In nuclear medicine, radioactive
17 materials are used to evaluate blood flow within the
18 brain and within the heart, to detect metastasis of
19 cancer throughout the human body, to evaluate kidney and
20 liver functions, to detect internal infection in
21 children, to monitor thyroid functions, and many other
22 life-saving procedures.

23 In nuclear cardiology, radioactive
24 materials are used for cardiac imaging to study the

25 functioning heart under rest and stress conditions. In

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1 radiation oncology, radioactive materials are used in
2 brachytherapy and other therapy procedures and thyroid
3 ablations to destroy cancerous growths. In pathology,
4 hundreds of radioactive isotope assays are performed
5 daily on body fluids and tissue specimens for in vitro
6 clinical lab testing. Pints of blood tested for
7 transfusion are irradiated in cobalt 60 radiators to
8 make them more suitable and to reduce the likelihood of
9 rejection by immunosuppressed patients, such as AIDS
10 patients, transplant patients, and infants.

11 The number of procedures performed
12 routinely are astounding. In nuclear medicine, alone,
13 at Parkland Memorial Hospital, about 4600 procedures
14 using radiopharmaceuticals were performed in 1995. The
15 numbers are continuing to grow. It is estimated that as
16 many as 10 million nuclear medicine procedures and as
17 many as a hundred million in vitro lab tests on body
18 fluids and tissue are performed in the U.S. each year.
19 Needless to say, the manufacture and utilization of
20 these radiopharmaceuticals produce radioactive
21 by-products that require proper disposal in a low-level
22 radioactive waste repository.

23 The unavailability of such a diagnostic
24 potential of availability of radioactive materials could

25 significantly affect my health, your health, our

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1 children's health and the health of all the people in
2 Texas.

3 Along with the present use of radioactive
4 materials in medicine, the current and potential
5 beneficial uses of radioactive materials in medical
6 research are even more overwhelming and exciting. At
7 U.T. Southwestern, alone, there are at this time 250
8 principal investigators with over 2,000 fellow
9 researchers and technicians authorized to use
10 radioactive materials in over 800 labs. Four of the
11 authorized P.D.I.'s are Nobel Prize winners, who could
12 not have achieved their discoveries without the use of
13 radioactive materials.

14 Current medical research which requires
15 the use of radioactive materials is extensive and
16 includes the search for understanding the mechanisms of
17 the HIV virus and treatment of AIDS, the search for the
18 magic bullet for cancerous growths, the causes of
19 Alzheimer's Disease, cholesterol metabolism, and
20 arterial disease, the mechanism of calcium absorption
21 and the pathology of kidney stones and osteoporosis,
22 determination of how insulin works and new ways to treat
23 or prevent diabetes, detection of antibodies,
24 understanding hypertension, making medicines for

25 inflammatory diseases. And probably one of the most

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1 significant current medical researches involve genetic
2 mapping and DNA sequencing, this for the detection of
3 such inherited diseases as multiple sclerosis, Down's
4 syndrome, Hodgkin's disease, diabetes, arthritis,
5 inflammatory disease, and oncogenes that carry
6 predisposition for breast, prostate and other cancers.

7 Maybe I can be construed as being selfish,
8 but I would hate for any research involved in finding
9 cures for diabetes and arthritis to be hindered by the
10 lack of such an important tool as radioactive materials.
11 As an Hispanic, I have a preponderance for contracting
12 diabetes and arthritis. I have been diagnosed as
13 diabetic, and even if a cure or prevention is too late
14 for me, I hope that a cure is found for the sake of my
15 children and my children's children and anyone who
16 carries my genetic disposition.

17 My educational career has awarded me with
18 a B.S. Degree in Chemical Engineering from Texas A&M
19 and a Master's and Ph.D. Degree in Environmental Health
20 Engineering from the University of Texas at Austin. The
21 goal of every environmental health engineer has always
22 been to aim to protect the environment and the health of
23 the people by finding the best engineering solutions to
24 properly treat, control or dispose of the by-products of

25 such processes that enhance our standard of living.

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1 Thus, we design and construct our various treatment
2 plants for residual wastewater and sewers, we design and
3 construct incinerators to reduce hazardous waste, we
4 design and construct landfills to safely dispose of our
5 solid waste, minimizing the impact to the environment
6 and to the public health.

7 The design and construction of a
8 repository for low-level waste shares similar
9 challenges, similar motives and similar solutions. For
10 us Texans, the availability of the many beneficial uses
11 of sources of radiation that enhance and ensure our
12 standard of living is directly dependent on the
13 accessibility of a low-level waste disposal facility.

14 MS. HENNEKE: Can I get you to go ahead
15 and summarize, Dr. Lopez?

16 DR. JOSE LOPEZ: Yes.

17 Health physics professionals deal with the
18 safety and sources of radiation. Members of the North
19 Texas Chapter deal on a daily basis with procedures that
20 are intended to reduce and protect people from
21 unnecessary exposure to radiation. The North Texas
22 Chapter members work in academic institutions,
23 regulatory agencies, medical institutions, manufacturing
24 and industrial operations, nuclear power plants,

25 professing the ability and understanding to evaluate and

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1 control the risk for the use of sources of radiation
2 relative to the multiple benefits derived from them. I
3 could not support a product that would endanger the land
4 and environment of the proposed site or those who live
5 around it unless I was completely sure about its
6 feasibility from a technical design and operational
7 capacity and about the tremendous need for it and the
8 subsequent benefits for the citizens of Texas.

9 Thank you.

10 MS. HENNEKE: Thank you, Dr. Lopez.

11 (Applause)

12 MS. HENNEKE: Paige Whiteside. Page, are
13 you here? Ms. Whiteside will be followed by Guy
14 Crawford, followed by Glenn Hackler.

15 PUBLIC COMMENT

16 MS. WHITESIDE: My name is Paige
17 Whiteside.

18 MS. HENNEKE: Step a little closer to the
19 microphone.

20 MS. WHITESIDE: I live in Dallas, and I
21 took an interest in this. I attended a meeting at
22 the -- the League of Women Voters put on, like, a forum
23 regarding this issue. And so I took an interest and
24 wanted to express my opinion that I would prefer it all

25 be in one location as opposed to spread all over the

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1 city of Dallas, where I live, with hospitals all around
2 me. I live near downtown. You've got several different
3 hospitals.

4 I would also like to commend the people of
5 the city of Andrews who support this issue, and I think
6 it's just a good idea to keep it all in one place.

7 Thank you.

8 (Applause)

9 MS. HENNEKE: Thank you, ma'am.

10 Guy Crawford. Mr. Crawford will be
11 followed by Guy Glenn Hackler, who will be followed by
12 DeeDee Wallace.

13 Go ahead, sir.

14 PUBLIC COMMENT

15 DR. CRAWFORD: Thank you. My name is
16 Dr. Guy Crawford. I have been involved with
17 environmental health and safety for approximately 32
18 years. I have done environmental research. I'm an
19 industrial hygienist. I'm a safety professional. I'm a
20 radiation safety officer, and up to about a year ago, I
21 was professor of environmental management at the College
22 of the Southwest.

23 At that time, I had the opportunity to
24 come out to WCS and talk to them. I am now the

25 laboratory manager for WCS. I would not have taken the

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1 position if I felt that there was any danger to the
2 environment, if there was any danger to the public, if
3 there was any danger to the employees. WCS has got one
4 of the most extravagant safety programs I've ever seen
5 and is very effective. We are coming up on nearly four
6 years without a lost-time accident, which in our
7 business is incredible.

8 I would just like to say that as a new
9 Andrews resident -- I've been here six months now, but a
10 lifetime West Texan -- I think that we should look at
11 this great natural resource, which West Texas offers to
12 the state and to the nation to do something about this
13 critical problem that we have, and that is the low-level
14 waste.

15 Thank you.

16 (Applause)

17 MS. HENNEKE: Thank you, sir.

18 Glenn Hackler, followed by DeeDee Wallace,
19 followed by Nancy Wallace.

20 Go ahead, sir.

21 PUBLIC COMMENT

22 MR. HACKLER: Yes. I'm here on behalf of
23 the City of Andrews. My name is Glenn Hackler, and I'm
24 the city manager. I do want to say that we appreciate

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1 tonight.

2 The city of Andrews has a long-standing
3 support for the WCS project, dating back to resolutions
4 of support in 1993 and 2004. This support, however, is
5 not without condition. We continue to believe that the
6 right geology, good science and engineering and proper
7 regulatory oversight is essential. Our community, as
8 has been noted earlier, has performed its own due
9 diligence through independent studies on this issue.

10 Based upon what we know, we believe that
11 the WCS site is excellent, if not near perfect, in it's
12 geology. WCS has also prepared an extensive plan and
13 has indicated a sincere willingness to provide for the
14 safe handling and disposal of low-level radioactive
15 waste. And we also believe that the appropriate state
16 and federal regulatory oversight is in place to address
17 the issues of importance to our community.

18 In our opinion, WCS has been a good
19 corporate citizen and has met or exceeded our
20 expectations for being forthcoming with the community on
21 key issues. We believe that WCS understands the immense
22 fiduciary responsibility involved, as do we. The city
23 of Andrews supports the WCS application that's presented
24 before you today.

25 MS. HENNEKE: Thank you, sir.

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1 (Applause)

2 MS. HENNEKE: DeeDee Wallace, to be
3 followed by Nancy Wallace, who will be followed by Erica
4 Valdez.

5 Ms. Wallace?

6 PUBLIC COMMENT

7 MS. WALLACE: Hi. My name is DeeDee
8 Wallace, and I grew up here in Andrews and in West
9 Texas, and then I spent 22 years in Austin. After those
10 20-plus years, I chose to bring my family back to
11 Andrews so that my children could be a part of this
12 unique community.

13 I also believe that I'm here tonight, and
14 I'm uniquely qualified to speak to you as both someone
15 who has lived many years in Austin and in Andrews. It
16 is significantly different, and I believe that it's
17 essential that you take that into consideration and be
18 aware of these factors when you evaluate the Waste
19 Control Specialists application.

20 This is predominantly an oil and gas
21 region, where people have continually come and gone, so
22 there is a quick acceptance and readiness for friendship
23 here. When people not from here visit and look around,
24 it's difficult for them to comprehend, perhaps, our love

25 and passion for this area because it's certainly more

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1 than skin or surface deep.

2 It is about relationships and family and
3 friends, and I sincerely hope that you understand that
4 we would never sacrifice the safety of what is most
5 important to us for economic gain or for any other
6 reason. While we are no doubt a rural bunch, we are not
7 without faculties. And please do not confuse our
8 friendliness for foolhardiness.

9 I say this to express to you that we
10 understand our identity and who we are and who we are
11 not. We are realists, and we have lived for a long time
12 with industries that pose risks, so we assess, and we
13 examine, and we conduct our due diligence to understand
14 the true and substantiated concerns.

15 During the past three years that I have
16 been in Andrews, been back in Andrews, I've been aware
17 of learning about Waste Control Specialists. I will
18 tell you that I'm overwhelmed at their willingness to
19 work with this community and their availability to
20 visitors to go and see the site. I've had several
21 occasions where I would call, on impulse, if someone
22 hadn't been there, and request to go and see the site.
23 I have always been told immediately to come to the site,
24 and someone would show us the site. Their transparency

25 and willingness to work with us has validated to me the

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1 transparency, again, of this project.

2 I've been in this region for three years,
3 and I've seen it flourish. Andrews, in particular, has
4 seen many new projects develop, and Waste Control
5 Specialists and this project, I believe, has only
6 enhanced what is flourishing.

7 I would also like to point out that during
8 my last year in my capacity as the director of business
9 development, I've had multiple occasions to be in
10 regional meetings and interact with community leaders
11 from all around this area, and I believe that it's
12 important for you to know that without exception, every
13 time that the subject of WCS has arisen, there has
14 always been overwhelming support from these community
15 leaders in this region.

16 Also during the past year, Andrews has
17 seen a substantial amount of business interest in this
18 community. We know the positive socioeconomic impact of
19 WCS and that it is far reaching, but the sense of
20 infusion that seems to be developing, I must say, is
21 extremely exciting.

22 I would like to say that while I believe
23 watch groups are definitely important and play a
24 necessary role in this process, please remember, again,

25 that what is relative in Austin and other places is not

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1 inevitably here. Our tolerances are different and
2 relative to our environment. We have no special
3 interest groups here that are being discriminated
4 against, and we ask that you consider only factors that
5 are specific to this region. Water contamination and
6 depletion, yes. Depletion is an issue that we are
7 continually struggling with, and this is not unique to
8 the region surrounding the WCS site.

9 I truly understand the crucial nature of
10 what you are here to consider tonight and the impacts
11 even on the national scale, but I also truly believe
12 that we are positioned and poised, as a community, to
13 handle and deal with the implications that the decision
14 that we are supporting and requesting that you make on
15 behalf of WCS in the approval of this application.

16 Thank you.

17 (Applause)

18 MS. HENNEKE: Thank you, Ms. Wallace.

19 Nancy Wallace. Nancy will be followed by
20 Erica Valdez, who will be followed by Lloyd Eisenrich.

21 PUBLIC COMMENT

22 MS. WALLACE: My name is Nancy Wallace,
23 and I'm a senior at Andrews High School.

24 Towards the beginning of the year, the

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1 made a field trip out to Waste Control Specialists.
2 With the amount of information that we learned, five
3 students decided to do their science fair project over
4 some area at WCS.

5 The purpose of my project was to determine
6 if everyday individuals are encountered with
7 significantly more or less naturally-occurring
8 radioactive material, also called norm, than those at
9 WCS. Through this project, I learned a great amount
10 about radiation.

11 Most of the time, when people hear about
12 WCS, it is normally associated with the words
13 radioactive irradiation, which creates a fear factor
14 throughout the public. So through my project, I was
15 able to prove that WCS employees do not encounters
16 significantly any more radiation than the everyday
17 individual. In fact, I was issued a survey meter that I
18 took with me as I was escorted throughout Waste Control
19 Specialists and able to test my own site as well as test
20 consumer products for norm and background radiation.

21 I found that the truck scales at Waste
22 Control Specialists, where radioactive waste is weighed,
23 contains less background radiation than the amount
24 individuals are exposed to from yellow and orange Fiesta

25 Ware. Many of the other places and products that I

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1 tested proved to be the same as well.

2 I've learned so much and now have the
3 opportunity to advance to the International Science Fair
4 held in Phoenix, Arizona. I have really enjoyed working
5 with WCS with my science project for all that I have
6 learned. I am no longer one of the public that hears
7 about WCS and associates that with the fear factor,
8 because I now know what an incredible facility it is and
9 how truly safe it is for everyone.

10 Thank you.

11 (Applause)

12 MS. HENNEKE: Thank you.

13 Erica Valdez. Erica Valdez. Are you
14 here, Ms. Valdez?

15 Lloyd Eisenrich, who will be followed by
16 Bryan Fritz, who will be followed by Lee Cheney.

17 Go ahead, sir.

18 PUBLIC COMMENT

19 MR. EISENRICH: Thank you.

20 My name is Lloyd Eisenrich. I'm here
21 tonight as president of Andrews Industrial Foundation,
22 but more so than just the president of the Industrial
23 Foundation, I'm here as a father of three children, a
24 businessman who chose to move to Andrews 21 years ago,

25 marry and raise my family in this community. And I will

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1 be honest. When I moved here, I planned to stay two
2 years. I did not desire to live in this West Texas arid
3 environment but quickly grew used to it and fell in love
4 with it. More so than the community, I fell in love
5 with the people of this community.

6 And as DeeDee has spoken and others have
7 spoken, it is a very open community, tolerant to change,
8 tolerant of different people's desires for living, and
9 for the businesses that take place in this community.
10 We live in an oil field community, as you know, that
11 over the period of the last 50 years has drilled over
12 7,000 wells in this community.

13 You have come tonight. Many of you
14 traveled far to come here to a truly unique community,
15 not only in the people that are here and the way that
16 they deal with the environment and the challenges that
17 the oil field presents, they have come to know the truth
18 about the risks that are involved in dealing with your
19 environment.

20 And we all know, from working here and
21 living here, that tough problems, such as H2S gas, that
22 are much more deadly than anything we're talking about
23 disposing of at this site, are very prevalent in this
24 county, can be dealt with with good science, and can be

25 handled properly with good regulation and oversight.

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1 So as we have lived in this community over
2 the last 50 to 75 years of significant population here,
3 we've come to realize that most of the trucks that drive
4 down the road during the day carry a much more
5 catastrophic potential for damage to our persons and our
6 community than anything that travels down the road going
7 to this site or to the WIPP site in New Mexico. It is
8 dealt with properly. We've never had a major
9 catastrophe due to molten sulfur, liquid nitrogen,
10 liquified propane gas, diesel and gasoline, driving down
11 the road all the time. We have managed to deal with
12 that with good science. We believe this can be dealt
13 with with good science.

14 As a community, we entered into this
15 project over ten years ago. We did the due diligence
16 that's been spoken of. The industrial foundation hired
17 independent hydrologists, Dr. Ken Rainwater and Dr. Tom
18 Lehman from Texas Tech University to come out and do a
19 third-party, independent evaluation of the site, the
20 geology, the surrounding environment. They did an
21 extensive study and have supported all the findings that
22 you have seen in this application and things that have
23 been presented in many public meetings over the years.

24 We feel that with good science, good

25 technology and proper regulation, which you're here to

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1 provide, and that's become a cliché in my statements

2 over the years, that this project can solve a problem.

3 As Dr. Bernstein stated, there are opponents to this.

4 And they may have good intentions, but good intentions

5 with bad information are a formula for disaster.

6 What we are here to do is to provide a

7 solution, and we want to do it with good information,

8 with proper technology and good science. This community

9 is an informed and an educated community, another unique

10 aspect of most communities that deal with this issue.

11 And we know that if you take the facts into

12 consideration, and you deal with it according to good

13 science, and good technology, and good oversight, that

14 you will find in favor of this permit, and you will

15 solve the problem for this state and for this nation and

16 we want to be a part of that.

17 Thank you very much.

18 (Applause)

19 MS. HENNEKE: Thank you, sir.

20 Bryan Fritz. Bryan will be followed by

21 Lee Cheney, followed by Eddie McNett.

22 Go ahead, sir.

23 PUBLIC COMMENT

24 MR. FRITZ: Good evening.

25 My name is Bryan Fritz. I'm a senior at

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1 Texas A&M University, majoring in radiological health
2 engineering. I'm also the president of the student
3 chapter of the advocates for responsible disposal in
4 Texas. The courses I've taken in radiological
5 engineering include many math, physics, chemistry,
6 general engineering, plus plenty of nuclear engineering
7 classes, with a few from other departments, all designed
8 to prepare me for a lifetime of learning and a variety
9 of positions in the health physics field.

10 Health physicists protect workers and
11 other personnel who work around radiation by designing
12 shielding, doing dose calculations, performing many
13 other tasks, making sure they do not receive too high of
14 a dose and stay safe.

15 Before I came to A&M, I went to high
16 school in Tomball, Texas and went to elementary and
17 middle school right here in Andrews. So, as you can
18 imagine, this site in Andrews County represents both a
19 personal and professional subject to me, and I am very
20 aware of the importance of its opening.

21 I am the future of the nuclear and
22 radiation industry and will need a place to safely store
23 radioactive waste. If there is no central place to
24 store low-level radioactive waste, plants, hospitals and

25 other generators will be forced to do either interim

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1 storage, which is only a very temporary solution, that
2 leads to clogging up and eventually closing, or they can
3 stop the radiation nuclear medicine program or move to
4 an area that offers storage. Neither of these is a
5 viable solution.

6 Also, as someone from this community, who
7 was privileged enough to grow up in their excellent
8 school district, I know all the benefits it will bring
9 to Andrews, bringing in jobs and money that seems to
10 have left with the oil companies.

11 Safety is a major concern and big issue
12 when talking about nuclear anything and radioactive
13 waste. Having an education in radiological health
14 engineering and experience I've gained as an intern with
15 the University of Texas Health Sciences Center in
16 Houston radiation safety program grants me the privilege
17 of knowing the safety procedures taken around
18 radioactive material, and I would be perfectly fine,
19 living right next to a low-level waste facility and even
20 raising a family there. I've heard several talks given
21 by professionals in the regulatory and waste control
22 business that describe all the design factors taken to
23 ensure the ultimate safety of the public and the
24 environment.

25 Another issue that brings about concern is

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1 the transportation of this low-level radioactive waste.
2 How is it going to get to Andrews? Trucks and trains
3 will be transporting the waste from affiliates in the
4 Texas compact. Professionals in the nuclear industry
5 understand the risk of the material they work with and
6 therefore take all sorts of precautions to ensure that
7 their waste is transported and received safely. As a
8 matter of fact, the Department of State Health Services
9 trains first responders along transportation routes to
10 deal with any potential accident.

11 My research found that between the years
12 of 1971 and 1991, there were about 40 million shipments
13 of radioactive materials, with a fraction containing
14 low-level radioactive waste. There were 53 accidents
15 involving low-level radioactive waste, with only four
16 resulting in the release of radioactive materials. None
17 resulted in any type of injury or death.

18 The face of the nuclear industry is
19 changing, and along with it, the way radioactive waste
20 needs to be stored. I want to work in this industry.
21 And having the problem solved is the key to my future
22 employment and is important to all citizens of Texas.
23 Please keep the project on schedule, and provide a
24 facility for the nuclear industry in Texas.

25 Thank you.

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1 MS. HENNEKE: Bryan, did you intend to
2 turn anything in in writing?

3 MR. EISENRICH: Just what I had written
4 down.

5 MS. HENNEKE: If you would give that to
6 Tara.

7 (Applause)

8 MS. HENNEKE: Lee Cheney. Lee Cheney will
9 be followed by Eddie McNett, who will be followed by
10 Jennifer Koop.

11 Go ahead, sir.

12 PUBLIC COMMENT

13 MR. CHENEY: Good evening. My name is Lee
14 Cheney.

15 WCS's radioactive material license of
16 IW-4100 is not just for medical waste. There seems to
17 be a lot of confusion as to what low-level waste is.

18 The classification of LES by-product as
19 waste, by LES at the Rocky Mountain Low-Level
20 Radioactive Waste Board hearing last Friday, 3-25-05,
21 was a giant step forward for WCS to be able to
22 permanently dispose of LES waste at WCS near Eunice.
23 WCS could never get a license to dispose of uranium
24 by-product. By changing the name from uranium

25 by-product to waste may just do the trick.

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1 In order for WCS to dispose of LES waste,
2 LES waste must be classified as waste, but equally
3 important for WCS, LES waste must be classified as
4 low-level waste, which the NRC has conveniently done for
5 LES waste, even though LES waste is three and a half
6 times more radioactive than WIPP waste.

7 LES said WCS could become a disposal
8 option for LES waste. LES vice-president of nuclear
9 engineering, Rod Critch, said that LES waste is more
10 radioactive than WIPP waste.

11 The Institute of Energy and Environmental
12 Research of Tacoma Park, Maryland, says that LES waste
13 is 3.6 times more radioactive than WIPP waste. The
14 simple truth is, LES waste is three and a half times
15 more radioactive than true waste at WIPP. Building a
16 deconversion plant will not make LES waste less
17 radioactive. When LES DUF-6 waste is deconverted to
18 U-308, all that happens is that LES DUF-6 waste
19 undergoes a chemical change in which the radionuclides
20 are bonded to oxygen instead of hydrogen fluoride,
21 hydrochloric acid when exposed to air or water. But
22 there is no change in the amount of radioactive
23 activity, radiation levels, which means that both DUF-6
24 waste and U-308 are both three and a half times more

25 radioactive than WIPP true waste.

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1 WIPP waste is buried 2,000 feet below in
2 salt beds. It is the salt beds that prevent true waste
3 radiation from leaking into the surrounding environment.
4 Permanently burying LES radioactive waste, that is three
5 and a half times more radioactive than the WIPP true
6 waste at WCS, only 75 feet deep, in sand or red clay,
7 that will not prevent the radiation from leaking into
8 the surrounding environment, poses a severe threat to
9 the health and well-being of the people of Southeastern
10 New Mexico and West Texas.

11 Demand the truth, the whole truth and
12 nothing but the truth. Don't be deceived by a lot of
13 fancy talk by WCS and LES. New Mexico and Texas does
14 not want LES waste. Other states do not want nuclear
15 waste in their backyard. That's why WCS is trying to
16 get permits to permanently bury low-level waste, or what
17 they call low-level waste, not only from LES, but from
18 all over America and Eunice -- at Eunice. Not and
19 Eunice. I'm sorry.

20 WCS and LES are planning -- or they're
21 hoping to build a new conversion plant and bury LES
22 waste at WCS. If they do, the people of Eunice, Lea
23 County, and West Texas will have a WCS LES nuclear
24 complex nightmare on their hands for generations and

25 generations to come. I ask the TCEQ to take these

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1 comments very seriously.

2 Thank you.

3 MS. HENNEKE: Thank you, sir.

4 (Applause)

5 MS. HENNEKE: Eddie McNett, followed by

6 Jennifer Koop, followed by Ruben Ramirez.

7 Go ahead, sir.

8 PUBLIC COMMENT

9 MR. McNETT: My name is Eddie McNett. I

10 was born in Andrews. I've lived here most all my life.

11 Went away for college, came back, established a small

12 business here which my entire family is involved in. My

13 four grandchildren are the fourth generation of my

14 family to live in Andrews.

15 I said all that to say this. We've been

16 here, we plan to stay here. We're very concerned with

17 what comes to Andrews. As Lloyd said a while ago, I

18 think waste control has demonstrated they're a good

19 partner for Andrews. They've done their homework, and

20 Andrews has done their homework, also. The officials

21 here -- I'm on the board with Lloyd, and the board here

22 has done their homework, accepted the homework that

23 Waste Control has done and presented to us. They're

24 very open with our community. I've been to the waste

25 site myself, personally, a couple of times. I have not

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1 been to our city dump, but there are probably more
2 hazards out there than out at the Waste Control site,
3 and I'm not saying that jokingly. We dispose of
4 chemicals out there every day that our housewives throw
5 in the trash that gets hauled out and put in the dump.

6 When I was at Waste Control's physical
7 site, I felt very comfortable. I was very impressed
8 with their technology. If I was not so, I would not
9 want them coming into my community where I've lived most
10 of my life, and where my grandchildren, I hope, will
11 live their entire lives. We have a family business that
12 my son and my son-in-law are involved with, and I hope
13 my two grandsons will some day be involved with, too,
14 and I hope that all of us can be a good community and
15 good partners with Waste Control, and I welcome them to
16 Andrews.

17 (Applause)

18 MS. HENNEKE: Thank you, sir.

19 Jennifer Koop, followed by Ruben Ramirez,
20 followed by Edward Selig.

21 Go ahead.

22 PUBLIC COMMENT

23 MS. KOOP: Good evening. My name is

24 Jennifer Koop. I'm from San Antonio, and I'm a senior

25 at Texas A&M, graduating in May. Like Bryan, I'm also

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1 studying radiological health engineering. And in my
2 four years, I've been able to take classes in nuclear
3 science, radiation safety and environmental engineering.
4 I've also had the chance to do a lot of hands-on
5 learning through experiments at the Nuclear Science
6 Center on campus and in our detector labs. My future
7 career will be in the nuclear industry, and, in fact, my
8 first job will be at the International Atomic Energy
9 Agency.

10 I'm excited about this project because it
11 will allow for the continued use of nuclear technology.
12 We all benefit from nuclear science every day. Smoke
13 detectors use radiation to keep us safe from fire in our
14 homes. Radiation is used to disinfect cosmetic
15 products, like makeup and cosmetic solutions and keep
16 them bacteria-free. They're used in energy to check
17 wells and to help map well formations underground. And
18 about 20 percent of our electricity in the U.S. is
19 generated at nuclear power plants. Nuclear medicine is
20 used to diagnose and treat people every day.

21 This site would be used to help keep the
22 waste by-products of these processes. It would be used
23 as a disposal site for old smoke detectors, radiation
24 sources used to disinfect, to check wells, and to image

25 could be disposed of there. Gloves and aprons worn and

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1 discarded by workers at nuclear power plants and
2 hospitals, it would be such a good site, along with
3 materials from nuclear medical procedures.

4 The importance of having a low-level waste
5 disposal site is this: Without a place to dispose of
6 these things, we might not be able to continue the
7 processes that generate them. I do not want to miss out
8 on all the benefits of nuclear technology.

9 Building and operating a safe low-level
10 waste disposal site will help secure the future of
11 nuclear technologies, and its existence helps to ensure
12 the benefits of nuclear technology will be around for
13 everyone in the future.

14 (Applause)

15 MS. HENNEKE: Thank you.

16 Ruben Ramirez. Ruben Ramirez will be
17 followed by Edward Selig, followed by Tanya Johnson.
18 Ruben, are you here? Edward? Are you ready? Edward
19 will be followed by Tanya Johnson, who will be followed
20 by Julia Wallace.

21 PUBLIC COMMENT

22 MR. SELIG: My name is Edward Selig. I am
23 speaking today on behalf of Advocates for Responsible
24 Disposal in Texas, ARDT, which is an association of

25 waste generators in Texas and Vermont. Today, I have a

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1 few verbal comments, and I will submit detailed written
2 comments on behalf of the members.

3 As we have stated many times in the past,
4 we support the state of Texas in its efforts to develop
5 a low-level waste disposal facility in Texas. We are
6 here today to reaffirm our position and our support of
7 the TCEQ and of the regulations which provide for
8 responsible, safe disposal in Texas.

9 Our position has been consistent over the
10 years and remains clear. We support TCEQ's continuing
11 efforts towards licensing a disposal facility for
12 low-level waste from compact generators. However, the
13 license must issue only if the license application is
14 consistent with the intent and specifications of the
15 Texas regulations.

16 We view as inappropriate any action which
17 jeopardizes Texas' agreement state status. Our written
18 comments include nine pages and are extensively
19 annotated with regulatory references and specific
20 passages from the license application. I would like to
21 emphasize three comments which the compact waste
22 generators collectively agree are critical to the
23 licensing process.

24 Number one, operating term. Waste

25 generators, such as hospitals, universities and

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1 industrial generators, will continue to have low-level
2 waste disposal needs well into the second half of the
3 century. So nuclear reactors in the Texas compact have
4 already received license extension to continue operation
5 for an additional 20 years. And it is highly probable
6 that the remaining reactors will obtain a similar
7 approval.

8 It was the clear intent of House Bill 1567
9 that the licensing of a low-level radioactive waste
10 disposal facility in Texas be for the purpose of safe
11 disposal of low-level radioactive waste arising from
12 compact generators and disposed in the compact waste
13 facility. To meet the needs of the existing waste
14 generators, any disposal site licensed must remain open
15 through at least 2063, which represents a 55-year term
16 for the disposal license.

17 Our second point, disposal equity. All
18 compact generators should have access to a compact waste
19 facility which is equal to the federal waste facility or
20 certainly no more than stringent in design and waste
21 management approach. To ensure this equity, the WCS
22 license application should be modified.

23 Number three, regulatory compliance. Our
24 concern is this: If it is later determined that an area

25 of potential noncompliance exists with the technical

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1 considerations or supporting documentation of the
2 application, any subsequent delays in rectifying the
3 discrepancies could derail the entire process. Due to
4 the serious nature of the potential for regulatory
5 noncompliance and loss of agreement state status, it is
6 recommended that the executive director specify the
7 priority for the technical review to be determined as
8 to, A, whether all aspects of the license application,
9 including operating term, equity of the federal waste
10 facility disposal cell design and waste disposal
11 approach, are in full compliance with all applicable
12 regulations and, B, whether WCS will be able to provide
13 in a timely manner evidence that arrangements have been
14 made for assumption of ownership in fee by the state or
15 federal government before the Commission issues a
16 license.

17 The reason for making this the highest
18 review priority becomes obvious. Correcting any
19 identified discrepancies and deficiencies will take a
20 significant amount of time. Therefore, the applicant
21 should be notified of such critical deficiencies at the
22 earliest possible moment in order to have the maximum
23 opportunity to correct the deficiencies and continue the
24 licensing process in a timely manner.

25 Thank you.

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1 MS. HENNEKE: Thank you. If you would
2 give your written comments to Ms. Drissell, immediately
3 behind you, I would appreciate it.

4 (Applause)

5 MS. HENNEKE:

6 MR. SELIG: I will. Thank you.

7 MS. HENNEKE: Tanya Johnson, followed by
8 Julia Wallace, followed by Chad Tompkins.

9 Go ahead, ma'am.

10 PUBLIC COMMENT

11 MS. JOHNSON: Good evening. My name is
12 Tanya Johnson, and I work for the Andrews Chamber of
13 Commerce as a manager. First, I would like to say
14 welcome to Andrews, and I'm glad the wind blew you in
15 safely.

16 I support Waste Control Specialists and
17 their license application. Through my job, I have the
18 opportunity and pleasure of working with officials and
19 representatives from Waste Control, serving on our
20 chamber board, our chamber committees and through other
21 civic organizations. Their presence is well known here
22 in Andrews. They have established a great working
23 relationship not only with our Chamber, but with the
24 city of Andrews and the Andrews community and Andrews

25 County. They have openly welcomed any questions, have

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1 listened to concerns and have also evenly encouraged
2 sites of the tour [sic] to better educate our Andrews
3 residents and anyone else to learn about the waste
4 disposal process.

5 I support the application, and I am one of
6 many supporters of Waste Control Specialists.

7 Thank you very much for your time, and I
8 wish you all a safe trip home.

9 (Applause)

10 MS. HENNEKE: Julia Wallace, followed by
11 Chad Tompkins, followed by Gerald Reid.

12 Go ahead, ma'am.

13 PUBLIC COMMENT

14 MS. WALLACE: I'm Julia Wallace. I'm a
15 wife and mother of three. I was born and raised in
16 Andrews and have spent most of my life here. My family
17 has been here for approximately 50 years, and my
18 80-year-old dad would live nowhere else.

19 My husband and I were living in Palm
20 Springs, California when we had our first child, but we
21 moved back to Andrews so that we could provide the same
22 quality of life and exceptional education that we
23 enjoyed growing up here.

24 Unfortunately, the dynamics of our local

25 economy have changed so drastically that Andrews has

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1 really struggled to maintain her higher standard. I
2 want you to understand the dynamic of what is going on
3 in Andrews due to challenges with our economy and the
4 burden that's been placed on us by the State in the area
5 of school funding so that you can better understand why
6 economic diversification is so important to us.

7 As you are aware, our public school system
8 is funded whereby school districts with larger tax bases
9 submit funds to Austin, and it's redistributed to poorer
10 districts. We call it Robin Hood. While in the past
11 our terrain may not have been much to look at, our
12 schools were. This year, alone, Andrews County will
13 send \$10 million to Austin. I'm sure, with the price of
14 oil, it will be substantially higher next year. To
15 date, we have sent almost \$80 million to Austin through
16 Robin Hood.

17 Not only are we major players in the
18 public school funding equation, but we contribute
19 heavily to the State's funding for higher education. In
20 Andrews County, 293,030 acres are owned by the permanent
21 university fund, which funds the state universities. 30
22 percent of the land in our county is not fully taxed.
23 We are the third largest in the state in the category of
24 land mass. In 2003, in the category of amount of

25 royalties collected annually from this land, the

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1 university land, the county in third place sent \$11
2 million to the State, second place sent 42 million, and
3 the county in first place, Andrews County, sent
4 \$75 million to the permanent university fund. Again,
5 that amount will increase in '04.

6 Quality of life and exceptional education
7 are very important to the residents of Andrews County,
8 as evidenced by the fact that while our local property
9 taxes are currently set at the maximum allowed by the
10 State, we've passed a \$30 million bond to upgrade our
11 schools. And by the amount of money that our city and
12 county have reinvested in the community the last few
13 years to enhance our community, they've built a new
14 nursing home, a senior activity center. We're involved
15 in the parks and wetlands project. And many other
16 projects are going on in Andrews right now.

17 We ask for very little in the way of
18 support and assistance. We do our part and more. We're
19 hard-working people with strong work ethics. We are not
20 asking for a handout. We are simply asking for a chance
21 to make our own way with businesses we believe
22 compatible with our way of life. I believe WCS is just
23 that. Thank you.

24 (Applause)

25 MS. HENNEKE: Thank you.

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1 Chad Tompkins, followed by Gerald Reid,

2 followed by Martin Martinez.

3 PUBLIC COMMENT

4 MR. TOMPKINS: My name is Chad Tompkins.

5 I'm a local engineer. I grew up in Andrews, and I also

6 moved back to Andrews after attending Texas Tech

7 University and serving in the United States Navy.

8 I support Waste Control Specialists in

9 their license application, as well as this community of

10 Andrews has from the very beginning. I don't think

11 that's changed, and hopefully, after this evening, you

12 will agree with that.

13 I trust, in oversight of the agency that

14 approves applications, that you will look at their

15 application with -- well, that you'll look at it and

16 that you'll agree with us that we have a great site here

17 in Andrews, and that there's a great geology, and that

18 there is good science involved and not just fear

19 involved with anything radioactive.

20 Andrews is in the middle of the oil and

21 gas industry, which is probably a lot more dangerous

22 activity than running a hazardous landfill. There's

23 more people that have been injured this year in the oil

24 and gas industry in Andrews County than had ever been

25 close to being injured at the WCS site. Also, naturally

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1 occurring radioactive material is common in the oil and
2 gas industry around this whole area.

3 I just ask that you would just consider
4 what's in their application. Nobody here is asking you
5 to overlook anything or to just approve it without
6 considering, and we just hope that you will also
7 consider the support of this community.

8 Thank you.

9 (Applause)

10 MS. HENNEKE: Thank you.

11 Gerald Reid. Mr. Reid will be followed by
12 Martin Martinez, followed by George Dials, followed by
13 Margie Manthei.

14 Go ahead, sir.

15 PUBLIC COMMENT

16 MR. REID: I'm Gerald Reid, station
17 manager for KACT AM and FM radio here in Andrews. I'd
18 like to thank the TCEQ for being here for this hearing
19 tonight. And at KACT Radio, we would like to go on
20 record as supporting Waste Control's application for a
21 disposal license.

22 Thank you.

23 (Applause)

24 MS. HENNEKE: Thank you, sir.

25 Martin Martinez. Are you here, Martin?

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1 Will be followed by George Dials, followed by Margie,

2 and I think it's Manthei.

3 Go ahead, sir.

4 PUBLIC COMMENT

5 MR. MARTINEZ: My name is Martin Martinez,

6 and presently I own a local business here. And, of

7 course, I'm not a scientist or a doctor, but I'd like to

8 thank all the doctors and everybody who shared that

9 great information here tonight. As always, it's very

10 educational.

11 And all I've got to say is that so far,

12 WCS has educated me and has informed me of what's been

13 going on up-to-date, even including tonight. So I just

14 want to make sure that this application that is here

15 before me tonight, I approve of it, and I hope you do,

16 too.

17 I moved my business here a few years ago,

18 knowing WCS was here. There's no way in the world that

19 I would have brought my family here to this wonderful

20 community -- I want to continue our business here, I

21 want to continue to live here, and I want my family to

22 be here, and I want to be part of this wonderful

23 community.

24 Thank you for time.

25 (Applause)

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1 MS. HENNEKE: Thank you, sir.

2 George Dials, followed by Margie, followed
3 by Russell, and I'm guessing, with the handwriting, maybe
4 Shannon. Go ahead, sir. I can tell I did Russell
5 wrong. He's going to have to spell his last name for
6 me.

7 Go ahead, Mr. Dials.

8 PUBLIC COMMENT

9 MR. DIALS: Thank you very much, Jody.

10 My name is George Dials. I currently live
11 in Dallas, Texas. I'm the president and chief operating
12 officer of Waste Control Specialists. I have extensive
13 experience in the area of nuclear engineering and
14 safety. I've been the senior safety official in the
15 state of West Virginia. I'm originally from West
16 Virginia, and my family were all coal miners. I was the
17 Secretary of Energy in West Virginia. I've been an Army
18 officer. I've led troops in combat. I've worked in
19 very hazardous professions like the oil and gas
20 industry. And I want you to know that the company I
21 lead is absolutely committed to the health and safety of
22 its employees, first, and to its community, second.
23 We're committed to environmental protection.
24 I have a staff who has collectively -- I'm

25 going to ask them to stand up -- Dean, Tom, Leif, Jeff,

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1 Alicia, if my staff will stand up -- the ones who aren't
2 here -- we have collectively over 300 years of actual
3 operating experience in the field of nuclear waste
4 licensing and nuclear waste management. We do know what
5 we're doing. I have a Nuclear Engineering Degree from
6 M.I.T., a master's degree. And I have master's in
7 political science from M.I.T. that qualifies me to deal
8 with some of the sociopolitical issues that always go
9 hand in hand with nuclear licensing activities.

10 We welcome the opportunity to have a
11 public forum. We welcome the opportunity to hear from
12 the citizens who have concerns, and I can assure each
13 and every one of them that if they have a concern they
14 would want to bring to our attention individually, to
15 one of my staff, to Tom Jones, who's our general manager
16 at the site, that we would be happy to deal with them
17 directly. We are committed to this application. We're
18 committed to this site as the best site to deal with the
19 issue of low-level radioactive waste and mixed-waste
20 disposal in the United States. It is a national
21 problem.

22 We are gifted in this particular region in
23 Texas that we have a geology, and a remote location, and
24 an arid climate, with an 800-foot red bed clay formation

25 that is absolutely perfect for dealing with this type of

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1 waste disposal problem.

2 We are committed to working with TCEQ as
3 the regulatory agency in a professional and open way.
4 We welcome your questions. We look forward to the
5 technical review.

6 We ask for your expeditious consideration
7 of our application, because the problem we're dealing
8 with is a realtime problem, as you heard from the
9 medical professionals who were here. And I'm so
10 delighted, General, that you're here and could speak on
11 our behalf -- thank you -- that we have a problem that
12 we need to solve right now. I can tell you this: The
13 waste, where it is located now, is much more dangerous
14 and more risky to the health and safety of the public in
15 general and the workers who work with it than it will
16 ever be where we intend to put it. So I ask for your
17 expeditious review and approval of our application.

18 Thank you very much.

19 (Applause)

20 MS. HENNEKE: Thank you, sir.

21 Margie will be followed by Russell, who is
22 going to spell his last name for me, and followed by
23 Lynn Wilson. Go ahead, Margie.

24 PUBLIC COMMENTS

25 MS. MANTHEI: My name is Margie Manthei.

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1 And when I first became aware of the possibility of
2 low-level waste being disposed in this area, I called
3 the EPA, the Environmental Protection Agency, and I
4 spoke with a senior research microbiologist that was
5 familiar with radioactive tracers. And I say that,
6 Mr. Dials, because I don't have a degree from M.I.T.,
7 but I do want you to know, as a community, we have done
8 our research. Waste Control Specialists has been
9 incredible about answering our questions, but we've also
10 gone to other people and asked questions.

11 I asked the microbiologist to honestly
12 assess -- or for him to honestly assess the risk that
13 this would pose for my family in this community in a way
14 that I could understand. I want the Commission to know
15 that after an extensive conversation with him, I have no
16 doubt in my mind that this is a beneficial thing for
17 this community.

18 I also want you to know that every person
19 that I have talked to -- and I was born in Hobbs,
20 America, [sic] I was raised in Lea County, and I have
21 lived in Andrews, Texas for six years. Every person
22 that I have talked to has been in support of Waste
23 Control Specialists.

24 And not only do I want you to know that I

25 personally support it, but I feel like these guys

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1 deserve a huge hand for jumping through unparalleled

2 hoops to fill out this application.

3 I thank you.

4 (Applause)

5 MS. HENNEKE: Margie, did you have written

6 comments?

7 MS. MANTHEI: Thank you.

8 MS. HENNEKE: Thank you.

9 Russell. Russell will be followed by Lynn

10 Wilson, followed by Hiram Hubert.

11 Okay. How badly did I do it?

12 PUBLIC COMMENT

13 MR. SHANNON: It's obvious I wasn't

14 educated in Andrews High School, so no one here is

15 responsible for my penmanship. I apologize.

16 My name is Russell Shannon, and I've been

17 in Andrews, Texas for 22 years. I'm a West Texan by

18 birth, a resident of Andrews by choice.

19 James Roberts, the publisher of our

20 newspaper, started us on this journey approximately 15

21 to 17 years ago, from the very first time we started

22 this. He always had one word of advice, and that was

23 brevity is better.

24 We've studied this a long time. We've

25 done everything that's been asked by the regulatory

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1 community. And the regulatory community, anybody that
2 came, has found our life an open book on this issue.

3 I stand in support of it. When you go
4 last, you steal a lot of thunder. I'm not going to
5 repeat all those things that they said. But I want to
6 say this. Even though I was not born and raised here,
7 after sitting and listening to the comments from the
8 people who either were born and raised or made Andrews
9 their home by choice, I am proud to be from this
10 community. There's a lot of very intelligent people
11 here, very thoughtful and very insightful, very
12 committed, not just to this project, but to their home.
13 We hope that you have seen that tonight, and we hope
14 that you understand our passion -- excuse me -- for our
15 community and those business people that are here.

16 And it's past my bedtime. Thank you.

17 (Applause)

18 MS. HENNEKE: Thank you, sir.

19 Lynn Wilson, followed by Hiram Hubert.

20 And, Mr. Shannon, you're not the only one. Either
21 Daniel, Darryl, or something else, Jackson.

22 Go ahead, ma'am.

23 PUBLIC COMMENT

24 MS. WILSON: I'm Lynn Wilson. We came

25 here 38 years ago to stay for five years, and we are

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1 still here and raised a family.

2 I am a retired school teacher from

3 Andrews, and I'm a cancer survivor. And that's why I

4 came to speak to you tonight, because when I was going

5 through my chemo -- I had 18 sessions of chemo -- and

6 when I was going through that I was amazed at this

7 amount of waste that will one chemo session produced.

8 And I was down at M.D. Anderson, and I was one of 20

9 when I was taking my sessions at that particular time.

10 So multiply that times the number of people that are in

11 the medical centers across the state. It is imperative

12 that we find a place to save -- to store this low --

13 low -- what am I trying to say? Low-level waste.

14 And I would just like to say that I have

15 followed WCS since it first came to Andrews. I have

16 toured the site. I even took a class out there, because

17 I felt it was very safe. And I would highly recommend

18 that you approve this.

19 Thank you.

20 MS. HENNEKE: Thank you, ma'am.

21 Hiram Hubert?

22 PUBLIC COMMENT

23 COMMISSIONER HUBERT: My name is Hiram

24 Hubert. I am a county commissioner here in Andrews,

25 Precinct 3. On behalf of the County, I welcome you to

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1 Andrews.

2 As a county commissioner, I want you to
3 know that I am a public servant. As a public servant,
4 my job is to help the concerns of Andrews, of the
5 people, and make sure that we do everything possible to
6 protect the people of Andrews. As a city leader, we
7 have done that.

8 WCS, Waste Control Specialists, has done
9 everything we had asked or could ever want. And it's
10 really, really hard for me to believe that this small
11 county of ours can provide such a huge service to this
12 nation by the disposing of low-level waste. And this
13 county is behind it. The city leaders and county
14 leaders are behind this effort, and I just want everyone
15 to know that I, Hiram Hubert, county commissioner,
16 Precinct 3, support this endeavor.

17 Thank you.

18 MS. HENNEKE: Thank you, Commissioner.

19 (Applause)

20 MS. HENNEKE: Okay. Darryl or Daniel,
21 maybe? Jackson, maybe?

22 MR. JACKSON: I thought I was signing an
23 attendance sheet. I'm sorry. I don't want to talk.

24 MS. HENNEKE: Okay. Judge? I think we're

25 to Judge Dolgener.

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1 PUBLIC COMMENT

2 JUDGE DOLGENER: There's been a lot of
3 people before me in this, and when I took office, Lloyd
4 came in and said, "You know, House Bill" -- I don't
5 remember if it was House Bill 1367. Anyway, he said,
6 "If the House approves this, CNN is going to be here
7 tomorrow." I was sworn in on Monday. He comes to my
8 office and says, "CNN is going to be here tomorrow."

9 This is a very nationwide problem we have.
10 As the General has said, this nation, in the '40s, '30s,
11 maybe, decided to go the nuclear route, and I believe,
12 personally, that that's the way we should have. I wish,
13 really, we would have went more that route with our
14 nuclear power plants, as Europe did. These guys need a
15 place to put that stuff. We as the citizens of this
16 state and of the United States need a place to put this
17 stuff.

18 I have in the last four years attended
19 many seminars on low-level stuff, spent hours on the
20 Internet looking at stuff. As people of this community
21 said, they've spent hours on the Internet, looking for
22 stuff, that George or Kent or anybody from WCS, or
23 Austin or anybody brought up a question, as Mr. Post
24 did, because I represent him, too -- and I want that

25 taken -- you know, somebody to call him and say -- this

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1 is the first time I heard Mr. Post in this whole thing.

2 I, as Hubert -- as Hiram and the Court,

3 represent this community. We have two times in the past

4 signed resolutions, that are in the record, of our

5 support of WCS. But as a city, also, we're the guardian

6 of the gate, as y'all are. And I pray every day that

7 y'all, as a commission, and the scientists, there, to

8 ask questions of all this stuff. But as has been told

9 by the doctor and different things, we need a place to

10 put this stuff. And I think House Bill 1350 -- that

11 bill, pardon me -- why we're here -- started that

12 process.

13 The State of Texas tried to do it for 20

14 years with a low-level nuclear authority, which wound up

15 in Hudspeth County, which wound up to nothing. I, as a

16 rate payer to TXU, paid that amount of money for a long

17 time to dispose of all that. All that \$60 million is

18 gone.

19 Now we're starting over. We have a

20 private company, who I believe will take care of

21 business. They've been very good to us as a court.

22 They've asked -- they show up at court meetings.

23 Anytime a commissioner or myself wants to know a

24 question, we can go and ask Tom or George or anybody.

25 And they respond to government, I guess is what I'm

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1 saying, very well.

2 Speaking of that, I'm also the emergency
3 manager for this county, as is required by the
4 government code. And on that issue, I, in this four
5 years of my being a judge, I'm also on the board of the
6 Regional Planning Commission Board, which is chaired
7 by -- or has all 17 county judges on it. And during
8 this last three years, I've invited all the county
9 judges. This year, we had our annual meeting here. I
10 invited all the city managers and the county judges.

11 We had a bus go out to WCS, of all the
12 government, local people. And the people from Lea
13 County have signed on to this project a couple years ago
14 with LES. And that's another ball game, but on this
15 project right here, we are regionally, we know what's
16 going on. The government knows what's going on, local
17 government officials know what's going on. The mayors
18 of both Midland and Odessa know what's going on. And I
19 really want to comment to that, that they know what's
20 going on. They're not here. I'm not going to say
21 they're going to support or not support, but they know
22 what are going on.

23 And this company has always been
24 supportive, but I know in my heart, it's a company.

25 People are people, and people, you know, forget stuff,

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1 or people do this, and that's why we have regulators.

2 You know, I called Tom to send somebody
3 that wants to go out to the site, and sometimes he can't
4 do it because there's five regulators there asking him
5 questions about what he's got in his sack, which is fine
6 with me. You know, I know the system is working.

7 Before the current people that are out
8 there, I think there was some problems, but I do not
9 have it in my heart that there's problems now. You go
10 out there, and you can look at any barrel, anything that
11 has to do with radiation. It has a number on it, it's
12 bar-coded. There's a million-dollar-system set up just
13 to know where that waste is going, where it went, where
14 it came from. And y'all have been there, so I'm
15 speaking to the choir on that deal. These guys are the
16 business. They know what they're doing. If they don't
17 know what they're doing, they're not -- they'll go ask
18 questions.

19 Me and the court, some of the court, not
20 all the court, went to our low-level waste symposium in
21 Midland this year -- this is the first time it was in
22 Midland -- out of Washington, D.C., I think, forever.
23 And they brought it to Midland. All those people came.
24 So I got to interview the DOE people, who are

25 scientists, for 30 years; EPA, Department of -- anyway,

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1 three federal agencies. And all of them said, "This is
2 it. This is America's help, because there's no other
3 place." The South Carolina low-level place is going to
4 shut down in 2008. We're having problems out west with
5 Biocare, and they did get the contract, but we're having
6 to deal with this.

7 And I, as a judge in this county, am well
8 aware of what my responsibilities are to the public and
9 to y'all, and the court has, like I said, signed off
10 twice on resolutions supporting this. The community
11 supports this. It's not 100 percent, everybody, all
12 13,008 are going to say yes. It's not that way. It's
13 not that way in anything. But this community supports
14 this license, it supports WCS, but with that little deal
15 in there, if they ever -- if there's a problem, we're
16 going to be, as Russell says, we're going to be right
17 there, the city is going to be right there to say,
18 "What's the deal?" Because we owe that to the citizens
19 of the Permian Basin, we owe that to our neighbors, we
20 owe that to the state of Texas.

21 But, you know, one thing when I first got
22 in office, we had the floods in Houston, and a doctor
23 was in Austin, telling me, "We have barrels of low-level
24 nuclear waste floating down the bayous in Houston,

25 coming out of the hospitals."

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1 That's not right. There's 1200 sites that
2 the Department of Health regulates, and that needs to be
3 in one place. For terrorism, for all the new stuff that
4 we have had come upon this state and the people of this
5 nation, for the last four years, since all that's come
6 in, the dirty bombs, all of that, there's money in the
7 Bill, there's money in that license to take care of that
8 stuff. I don't have any problem with the security of
9 that. They can hire the best security people there is
10 to secure that stuff. That's not the problem. We have
11 a good volunteer fire department. And I told Tom, and
12 hopefully it's in the record, "I want them to know how
13 to deal with their own problems," as in the Gulf Coast
14 and the environmental stuff down there in those gas
15 refineries. Those people know more about that than we
16 do, going in there. Our volunteer fire department is
17 very capable, but people who work around that is a lot
18 better to handle that than we are. We'll back them up,
19 but if they can train -- and that's one reason I like it
20 being a private company, because they can -- they can
21 get things done. They can train, cross-train their
22 people to be EMT's, they can be paramedics, they can be
23 all the security stuff we need, plus, right there, and
24 we as a community back that up.

25 But I guess what I'm saying is I'm for it.

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1 MS. HENNEKE: Thank you, Judge.

2 (Applause)

3 MS. HENNEKE: I am out of sign-in sheets.

4 Was there anyone else who wanted to make comments? I

5 got a couple of students. Okay, guys.

6 I need you to come state your name, give

7 me your comment. As soon as you finish, walk right over

8 here to Ms. Drissell.

9 I need your name, please.

10 PUBLIC COMMENT

11 MR. RANDOLPH: My name is Byron Randolph.

12 I'm currently the corresponding liaison of the student

13 council here at AHS. I'll be serving as the president

14 of the council next school year.

15 And tonight, I'm going to be reading to

16 you a letter from our instructor in my Principles of

17 Technology class that Nancy Walker talked to you about

18 earlier. We went and visited the WCS facility.

19 To whom it may concern: Andrews High

20 School students who are enrolled in the upper level

21 science course entitled Principles of Technology are

22 required as part of the curriculum to conduct an

23 extensive research project. Through our gathering of

24 data and development of our research projects, we have

25 developed a relationship with Waste Control Specialists

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1 that has been highly beneficial to our students.

2 Several of our students chose to do a

3 project that directly relates to the technology and

4 science being implemented at WCS. WCS has been a

5 valuable influence in developing my students'

6 understanding of scientifically accurate research,

7 environmental issues, testing, and data interpretation.

8 I have been highly impressed and greatly appreciative of

9 Waste Control Specialists' willingness to give of their

10 time and resources in helping our students to understand

11 the technology used on site, the scientific testing and

12 research behind the technology, and the background

13 information which relates to the technology.

14 The scientists at WCS have met with our

15 students numerous times to answer questions and mentor

16 the students through the research process. As a veteran

17 educator, I know this type of mentoring is rarely

18 available to high school students and has greatly

19 enhanced the experience and knowledge our local students

20 received in our Principles of Technology course.

21 We look forward to continuing our

22 educational partnership with Waste Control Specialists

23 and thank them for being committed to the enhancement of

24 the educational experience at our school.

25 Sincerely, Vicky Gardner, instructor of

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1 Principles of Technology, Andrews High School.

2 Thank you.

3 (Applause)

4 MS. HENNEKE: Can I have your name,
5 please?

6 PUBLIC COMMENT

7 MS. KING: Lacey King. I'm a junior at
8 Andrews High School.

9 I also went to Waste Control Specialists
10 at the beginning of the school year. I took a tour
11 around the site. I decided to focus my science fair
12 project on the landfill itself. My partner and I worked
13 with Waste Control Specialists many hours and for many
14 months. I worked with many people around the site and
15 learned things that helped me advance in the science
16 fair and also impacted my decision on what I would like
17 to pursue in my future career. I've been inside the
18 landfill, itself, collecting samples of red bed clay and
19 testing the permeability of the clay. In our project,
20 we proved that the confining layer of red bed clay would
21 stop any wastewater from impacting the geological
22 environment. Our science fair project placed sixth in
23 the Junior Stockholm Award.

24 My partner and I could call on Waste

25 Control Specialists anytime we needed help with our

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1 project, and they would help us in any means. My
2 partner and I have learned so much from the site and its
3 people. We fully support and trust what Waste Control
4 is working to achieve.

5 (Applause)

6 MS. HENNEKE: Thank you.

7 PUBLIC COMMENT

8 MS. FOWLER: Hi. My name is Kendall
9 Fowler, and I'm a junior at AHS. I'm the last student
10 that will be speaking, and I know you are all ready to
11 go home, so I'll try to hurry.

12 As you have already heard our Principles
13 of Technology class took a field trip to Waste Control.
14 I was another one of the students who conducted
15 experiments at Waste Control Specialists. My partner
16 and I proved through our project how environmentally
17 safe the process of vitrification is. For those of you
18 who don't know, vitrification is the process that deals
19 with turning mixed waste into glass, to contain it in a
20 solid form that can be up to 10,000 times stronger than
21 concrete. We learned that the vitrification process not
22 only converts the waste in a solid form, but it lowered
23 the hazardous content significantly, making it very much
24 lower than the ECS. This means the finished product is

25 extremely safe when being put in the landfill.

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1 Throughout all of the projects that were conducted by
2 AHS students, WCS employees never hesitated to meet with
3 us, e-mail us when we needed something. They helped us
4 find background information if we needed it. They did
5 anything to help us, and they were very, very patient
6 with us throughout that last month.

7 We would not have had such a unique and
8 productive project if not for the help from WCS. Not
9 many high school students have such a wonderful
10 opportunity for a science fair project. And we were
11 actually going to do pretty plain projects before we
12 went out and visited the site. So we're very lucky to
13 have them out there.

14 I would like to say my support for WCS for
15 not only their safe disposal site but their willingness
16 to inform and protect our community.

17 MS. HENNEKE: Thank you, Ms. Fowler.

18 (Applause)

19 MS. HENNEKE: Is there anyone else? Yes,
20 ma'am. And your name, please?

21 PUBLIC COMMENT

22 MS. KOCUREKI: Good evening. My name is
23 Eddie Kocureki. I work for the South Texas Park Project
24 Nuclear Operating Company. I've been in electric power

25 production now for 29 years, and I've been a nuclear

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1 professional for the last 13 years. I'm here tonight to
2 speak because, for me, the issue of safe disposal of
3 low-level radioactive waste is a personal issue. I
4 support the role of nuclear power as part of a
5 diversified supply of power generation.

6 I understand that nuclear power is a safe,
7 clean technology. I believe that the people that
8 design, build and operate nuclear plants and those that
9 manage radioactive waste are environmentally and safety
10 conscious. Like me, they want to go home to their
11 families at the end of their workday. They want their
12 children to be healthy and happy and enjoy a better
13 standard of living. And they would not expose their
14 children to unnecessary danger or risk.

15 I live within 20 miles of the South Texas
16 Nuclear Project. So do many of the conscientious,
17 safety-minded professionals I work with. We know that
18 we provide a valuable service to our communities and our
19 state by producing electricity. We also know that we
20 provide a more valuable service by doing our jobs
21 safely, to protect the environment as well as the
22 public.

23 Let me tell you how I know a low-level
24 radioactive waste facility would also be safe. I know

25 that the people who work there would have the same

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1 reasons for me as doing the very best job I can: My
2 family and my children.

3 The facility would be designed and
4 carefully engineered to provide the highest degrees of
5 protection. And first and foremost, I am a mother of
6 three and a grandmother of three. I want to protect my
7 children's and my grandchildren's health, their
8 well-being and their future. People like me all across
9 the country are the future of nuclear technology. The
10 technology exists to dispose of the waste safely.
11 Access to safe disposal is essential if we are to
12 continue to receive the benefits of the use of
13 radioactive materials.

14 Nuclear power is perhaps the least
15 vulnerable. We have room to store our low-level waste
16 at the plant, but hospitals, universities and businesses
17 located in population centers may not be able to afford
18 to sacrifice the space for storage, and those same
19 facilities may be faced with difficult decisions
20 regarding continuing activities that involve radioactive
21 materials.

22 I am keenly aware of the many beneficial
23 uses of radioactive materials. Nuclear medicine saves
24 lives. Dentists use x-rays for diagnoses. Their

25 patients also benefit from research into gum disease,

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1 bone disease and other conditions, research conducted

2 with radioactive isotopes.

3 Pharmacists' shelves would be nearly empty

4 without the use of radioactive isotopes. More than 80

5 percent of new drugs are developed and tested with

6 radioactive isotopes before going to market. I want to

7 continue to benefit from the uses of radioactive

8 isotopes, and I want my children and their children to

9 also benefit. We have the means to ensure that those

10 benefits continue, by building a safe disposal facility

11 today.

12 Thank you.

13 (Applause)

14 MS. HENNEKE: Thank you. Is there anyone

15 else whose name I have not yet called? Was there

16 someone else who wished to speak? Yes, sir. I need you

17 to come to the microphone, please. Your name, please?

18 PUBLIC COMMENT

19 MR. OSTERHOUT: My name is Danny

20 Osterhout.

21 We moved to Andrews in 1952. In 1968, I

22 joined the United States Marine Corps, and a few months

23 after that I went to the nuclear weapons training center

24 in the Pacific. And what I learned there was not the

25 good uses of nuclear energy. I learned the bad stuff.

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1 I learned to arm nuclear weapons. I have seen the
2 effects of nuclear weapons. Thank God we never had to
3 deploy them.

4 But after seeing the Waste Control people
5 come here tonight, these people have the best interests
6 of our community and the best interests of our people on
7 their mind and on their heart, and I urge this committee
8 to accept their application and I thank them for being
9 here. Thank you.

10 MS. HENNEKE: Mr. Osterhout, can I get you
11 to see Tara?

12 MS. DRISSELL: We have it.

13 MS. HENNEKE: We've got it.

14 Yes, ma'am? Your name, please?

15 PUBLIC COMMENT

16 MS. GARDNER: My name is Rose Gardner, and
17 I'm from Eunice, New Mexico.

18 I oppose the storage, slash, disposal of
19 the additional radioactive waste because of the proposed
20 plan to accept not just the compact waste but also the
21 so-called low-level waste, the uranium talmuline
22 [phonetic] from the LES plant, and possibly the
23 by-product with that big conversion in the long run,
24 from the LES facility.

25 All this means, to me, is that this

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1 amendment approval, as well as the other proposed
2 activities in the future, my community of Eunice will be
3 subjected to waste storage in my back yard. But
4 technically, it's still in Texas. The imaginary state
5 line does not preclude my community from being exposed
6 to more and more dangers related to the storage of
7 low-level waste at Waste Control Specialists. Please
8 don't forget Eunice and its proximity to the waste site.
9 Remember that although the site is remote, Eunice is a
10 real community with real people.

11 I also feel that the transportation by
12 rail and by highway must be adequately reviewed so that
13 all routes, including 176 and Highway 18 in New Mexico
14 are scrutinized, since the plant, in the future, by LES
15 and WCS involve increased activity in hazardous and
16 radioactive waste transportation everywhere. A recent
17 accident on 176 killed a child, and several people were
18 hurt. What if the accident involved a truck carrying
19 waste, the low-level kind, and there were more people
20 involved, due to normal traffic on that road? How will
21 that impact my life? My college-bound daughter travels
22 to Odessa three times a week to attend UTPB. I
23 certainly want her to continue. But even she sees the
24 hazards every day with the waste trucks on the road now.

25 Who's responsible for the waste site once

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1 it's decommissioned? Can Eunice be guaranteed our

2 safety for the long haul? Texas wants the economic

3 benefits, but will Texas be responsible if something

4 happens to the people of Eunice?

5 Thank you.

6 (Applause)

7 MS. HENNEKE: Thank you, Ms. Gardener.

8 Was there anyone else who chose to make comments?

9 Yes, sir? If there are others that have

10 not yet made comment that wish to, if I could get you to

11 come to the front, it would be easier.

12 Go ahead, sir.

13 MR. ERIKSSON: I need some props.

14 MR. GILLEN: Easy with that. I've got a

15 microphone over there.

16 MS. HENNEKE: Yes.

17 MR. ERIKSSON: Okay.

18 MR. GILLEN: Be gentle.

19 MS. HENNEKE: I need you to go to a

20 microphone, and if you would state your name, please.

21 PUBLIC COMMENT

22 MR. ERICKSON: My name is Lief Erickson.

23 I'm the director of planning and analysis with Waste

24 Control Specialists. I've been a nuclear waste

25 undertaker since 1978. And I have degrees in civil

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1 engineering and geology. I'm a registered professional
2 geologist. And I have worked in this area for some few
3 years.

4 And one of the things, we're doing
5 ourselves a disservice, is that the different terms and
6 expressions that many people don't understand, so we
7 instill unnecessary fear in people. And one of the
8 things that seems to be provoking many times is that we
9 are strictly regulated by both laws and regulations, so
10 we cannot take the variety of wastes. It is clearly
11 specified by TCEQ what we can take at our facility.

12 But the bottom line toward these
13 regulations is the Nuclear Regulation Commission's
14 Title 10, Part 61, the Code of Federal Regulations.
15 Low-level waste has three categories, A, B and C. A and
16 B has to be confined for a hundred years, and it's based
17 on isotope, and that essentially means that after a
18 hundred years, those radioisotopes are harmless to human
19 beings and the environment.

20 Class C waste, you have to have contained
21 in cannisters for 500 years. And the same concept
22 applies to that, that after 500 years, they're basically
23 considered harmless to the environment and to human
24 beings.

25 As the senior vice-president and in charge

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1 of licensing, the regulatory tasks, as I told you
2 earlier, I feel very strongly about our site. And when
3 you look at the hydraulic conductivity of our site, it
4 is four thousandths of a foot per year. If I convert
5 that to the hundred-year time period for Class A and B
6 low-level waste, it amounts to less than a foot, and
7 those are the two binders of our application. So this
8 is how far the radionuclide will travel within a hundred
9 years. All the Class A waste, which is about 90 percent
10 or more of the total inventory in the USA, that is how
11 far it will travel in a hundred years, and then after
12 that, it's harmless.

13 If you look at the Class C, that needs to
14 be contained for 500 years, even if you didn't contain
15 it, this is how far it would travel.

16 And I hope that this will help people who
17 are concerned about radionuclides traveling through the
18 groundwater through wells that are located several miles
19 from our site, that they could possibly affect their
20 health, safety or their environment.

21 Thank you.

22 MS. HENNEKE: Thank you, sir.

23 Anyone else? Okay. Is there anyone else
24 that wishes to make comment?

25 Yes, sir?

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1 PUBLIC COMMENT

2 MR. WRIGHT: My name is Ricky Wright, and
3 I am the district director for Congressman Mike Conaway.
4 It was pointed out to me that I probably should have
5 spoke up a little earlier. Mike sends his heartfelt
6 thank you to each of you from Andrews County. And we
7 appreciate TCEQ for hosting this hearing.

8 It's apparent to us that Andrews citizens
9 are in favor of WCS. We think that is something that,
10 as a responsible public figure, we're to support the
11 issues that you believe in. And with that, I can
12 strongly say, and to TCEQ, that Mike Conaway is in
13 support of WCS. We think they have shown the due
14 diligence that's necessary. The community obviously has
15 taken the due diligence to go further beyond what WCS
16 has presented to them. So as you consider this,
17 consider the fact that we're in support of it, also.

18 Thank you.

19 (Applause)

20 MS. HENNEKE: Thank you, Mr. Wright.

21 Yes, ma'am?

22 MS. PRYOR: I have one issue.

23 MS. HENNEKE: I need you to state your
24 name, please.

25 MS. PRYOR: I'm Peggy Pryor.

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1 MS. HENNEKE: Yes, ma'am.

2 PUBLIC COMMENT

3 MS. PRYOR: The number one issue that I've
4 had since '93 and '96, Andrews never voted on this.
5 These people here, the majority, yeah, will tell you
6 they're for WCS. That's not 13,000 people. This is a
7 lower amount of people than those of you who were here
8 last time. There is less people here this time. The
9 support is eroding. People are beginning to see that
10 this is a bigger issue. Right now, we're only talking
11 about hospital waste. This is what has been brought up
12 today. Yeah, if we could just get hospital waste, even
13 though it lasts for 500 years, if you'll stop it there,
14 I'd even be for it. But it won't stop there. I know
15 it, and you know it.

16 We know that they're going to get less.
17 They're wanting to get uranium enrichment. Uranium
18 enrichment will be stored at WCS. This is very
19 detrimental to our community, our earth, our air, our
20 water, everything. You cannot convince me, when I can
21 get on the Nuclear Regulatory site and read incident
22 after incident, after incident. Even in 2001, the kegs,
23 they have proven, leak after 50 years. That's on a
24 nuclear regulatory site. I went through every issue

25 with Barnhill [sic], with Vernal, all of those

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1 countries -- I mean, states, and every one of them

2 failed. Nobody has found a solution. Until they find

3 those solutions, will I ever support this.

4 Thank you.

5 (Applause)

6 MS. HENNEKE: Thank you, Ms. Pryor. Was

7 there anyone else who wished to make comment?

8 Yes, ma'am? Your name, please?

9 PUBLIC COMMENT

10 MS. SANCHEZ: My name is Alicia Sanchez,

11 and I'm the controller out at Waste Control Specialists,

12 and I definitely wanted to end on a better note.

13 I just want everybody to know that there

14 are -- you know, the auditorium was not full tonight,

15 but that it's not because Andrews is not in support of

16 us. We sent out letters, just like Mr. Hance said.

17 There were advertisements on the news. And it was not,

18 "Come out and support WCS." It was, "Come out and give

19 us your opinion on WCS."

20 And Andrews, you know, I live in Andrews.

21 I have a 19-month-old daughter that lives in Andrews. I

22 was pregnant while working at WCS, and there was never

23 one time that I was afraid for my child's health, being

24 at WCS. There's not one place in the facility that I,

25 with my certifications, you know, that I just don't feel

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1 comfortable going to.

2 We are continually regulated. You know
3 that. We cannot hardly sneeze without having to let a
4 regulator know that we're doing that. And that makes me
5 feel comfortable. I grew up in Amarillo, Texas, with
6 Pantex, and there was never a time that I didn't feel
7 comfortable with that. But yet I moved to Andrews, and
8 I, you know, heard something about this waste facility,
9 and that worried me a little bit because I didn't know
10 what the waste facility was doing. All I knew is that
11 it was radioactive, and we were putting it in the
12 ground, and, oh, my goodness.

13 And my mother said, "What are you going to
14 do if you go work there, and you decide to have a baby?"
15 Well, you know, it's education. And the reason why that
16 this auditorium is not full tonight, I believe, is
17 because the Andrews community is educated, and they're
18 comfortable with us. They understand us, and they
19 understand what we do.

20 We have opened our doors to anyone that is
21 willing to come out and that wants to come out and learn
22 what we do. We are a very responsible company. And one
23 of the reasons that I respect Mr. Dials so much is
24 because someone told me that when he was recruiting our

25 management team that he said, "Come work for Waste

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1 Control Specialists because we are solving the nation's
2 problems." And that's why they came. And that's why
3 our corporate management team is here, is to solve the
4 nation's problems.

5 Andrews, Texas, is in support of this. I
6 am in support of this. So please consider that when
7 you're reviewing our application.

8 (Applause)

9 MS. HENNEKE: Thank you. Would you please
10 see Ms. Drissell?

11 Working for an agency like I do, and many
12 of us that are here with TCEQ, I have told people,
13 including my own family, that we regulate everybody and
14 every day's life. However, I don't think yet we are at
15 sneezes, and I hope we're not going there.

16 I believe we had one last commenter, and
17 I'm going to conclude the meeting.

18 Yes, sir?

19 MR. RHODES: We'd like to thank everyone
20 for coming out tonight.

21 MS. HENNEKE: Your name, please?

22 PUBLIC COMMENT

23 MR. RHODES: My name is Mike Rhodes. I'm
24 the high school principal here in Andrews.

25 Here in Andrews, we don't go into this

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1 hearing for this consideration of WCS and the licensing
2 that's being proposed for the application lightly.
3 There's been a lot of research done into it. There was
4 a good crowd here tonight. It was not everyone in
5 Andrews, and that's because we, as a community, we are
6 fully aware of what has been proposed over the last ten
7 years. It's been studied. People within our community
8 have been encouraged to go out to WCS to look at the
9 site. I've been out there several times. Yes, it's a
10 very emotional issue. There are folks that want to
11 propose or suggest that this may happen, that may
12 happen, that we may take waste from all over the world.

13 The real issue is, we as a nation and as a
14 state, must address how we handle waste and how we
15 dispose of it. This is a great site. Yes, there are
16 going to be issues. There are going to be concerns.
17 That's why you, as a regulatory agency, are here to
18 safeguard and protect our community. We have full faith
19 in WCS and the partnership that we have. They have been
20 very -- they've been great with us, as a community, as a
21 school, as an educational partner. I was most impressed
22 when one of our students -- they talked about science
23 fair projects. This isn't elementary school or science
24 fair projects where you see, you know, if a can will

25 float in water. We had students that went out and

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1 worked with the scientists.

2 I was real impressed with when they went
3 out and took a core sample of the clay. They came back,
4 had it tested at Texas Tech, and it was determined that
5 it was -- from what I was told and what the project
6 showed, it was the best clay sample that Tech had ever
7 tested. That says a lot about what we have.

8 (Applause)

9 When you look at the clay sample that the
10 students took, they tried to inject, they tried to force
11 water, solids, anything through that clay. They
12 couldn't get it to go through. And they weren't taking
13 the depth of what that clay base is. They were taking
14 less than -- you know, we're talking about six inches of
15 clay. So it's not a permeable -- I mean, you have a
16 very strong clay base that is impermeable.

17 So we want to thank you for coming out.
18 We appreciate your consideration. Andrews Independent
19 School District supports WCS as a partner in this
20 community.

21 Thank you.

22 MS. HENNEKE: Sir, I always wanted to tell
23 a principal where to go (indicating). Thank you.

24 I really, truly do not want to cut anybody

25 off. Was there anybody else who wanted to make comment?

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1 I got one more?

2 Your name, please?

3 PUBLIC COMMENT

4 MS. GARCIA: My name is Vanessa Garcia.

5 MS. HENNEKE: I'm sorry. Again?

6 MS. GARCIA: Vanessa Garcia.

7 Good evening. Again, I'm Vanessa Garcia,

8 and I'm just a common, everyday citizen of Andrews. I

9 also have a daughter here. I also have lots of family

10 here. I've lived somewhere else. I've lived a lot of

11 other places, Austin, different places, and I've chosen

12 to come back here.

13 I wanted to comment on the support of

14 Andrews. Andrews is a very passionate community. If

15 there was something that they did not support, trust me,

16 this auditorium would be full of opposition. And

17 something as small as our elementaries being divided,

18 the community went up in arms, and that's something

19 small. That's just where are your kids going to go next

20 year.

21 Waste level material is so much more

22 important, such a bigger issue. If there was true

23 opposition, trust me, the passionate citizens of Andrews

24 would be here opposing it. Obviously, we have small

25 opposition and huge support.

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1 Again, I'm behind it. I'm just an
2 everyday citizen of Andrews, and I just want to thank
3 you, and that's it.

4 MS. HENNEKE: Thank you, Ms. Garcia.

5 Thank you all very, very much. You have
6 been very hospitable. The staff will be here for a
7 little bit, taking down equipment. If you have any
8 questions of us, please approach us. The advocate will
9 be here, as well.

10 Thank you all very, very much.

11 (Proceedings concluded, 10:09 p.m.)

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1 C E R T I F I C A T E

2

3 S T A T E O F T E X A S)

4

5 C O U N T Y O F M I D L A N D)

6

7 I, Leland Gamblin, a Certified Shorthand

8 Reporter in and for the State of Texas, do hereby

9 certify that the above-mentioned matter occurred as

10 hereinbefore set out.

11 I FURTHER CERTIFY THAT the proceedings of such

12 were reported by me or under my supervision, later

13 reduced to typewritten form under my supervision and

14 control and that the foregoing pages are a full, true

15 and correct transcription of the original notes.

16 I N W I T N E S S W H E R E O F , I h a v e h e r e u n t o s e t m y h a n d

17 and seal this 14th day of April, 2005.

18

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22 L E L A N D G A M B L I N
23 C S R N o . 4 6 8 0 - E x p i r e s 1 2 / 3 1 / 0 6
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