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UNITED STATES DEPARTMENT OF ENERGY
OFFICE OF DEFENSE PROGRAMS

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In re:
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT
FOR THE NATIONAL IGNITION FACILITY

PUBLIC MEETING

Proceedings before: HOLMES BROWN, Facilitator

Wednesday, December 8, 1999

3:00 p.m. session

Taken by LETICIA A. RALLS,
a Certified Shorthand Reporter,
in and for the State of California
CSR No. 10070

<p style="text-align: right;">Page 2</p> <p>1 PROCEEDINGS 2 BE IT REMEMBERED, on Wednesday, the 8th 3 day of December 1999, commencing at the hour of 4 3:07 p.m. of said day, at the LAWRENCE LIVERMORE 5 NATIONAL LABORATORY, SOUTH CAFETERIA, East Avenue, 6 Livermore, California, before me, LETICIA A. RALLS, 7 a Certified Shorthand Reporter in the State of 8 California, said proceedings were had. 9 10 APPEARANCES 11 HOLMES BROWN, of AFTON & ASSOCIATES, 12 appeared as the Facilitator 13 RICHARD SCOTT, of the DEPARTMENT OF 14 ENERGY, Document Manager for the NIF SEIS, ES&H 15 Program Manager for NIF, Oakland Operations Office, 16 appeared as the presenter and as a panel member. 17 DAVID H. CRANDALL, of the DEPARTMENT OF 18 ENERGY, Director, Office of Defense Science, Office 19 of Defense Programs, appeared as a panel member. 20 STEVE FERGUSON, of the DEPARTMENT OF ENERGY, 21 Attorney, Office of General Counsel, appeared as a 22 panel member. 23 SCOTT SAMUELSON, of the DEPARTMENT OF 24 ENERGY, NIF DOE Field Manager, Oakland Operations 25 Office, appeared as a panel member.</p>	<p style="text-align: right;">Page 4</p> <p>1 answer period is to clarify points relating to the 2 presentation and to the SEIS. Comments should be 3 offered during the formal comment period. 4 If there are no questions on the agenda or 5 procedures, we'll turn to the presentation. 6 I'd like to introduce Richard Scott, the 7 Document Manager for NIF with DOE's Oakland 8 Operations Office. 9 Richard, thanks. 10 MR. SCOTT: Thank you. 11 I'm Richard Scott. I'm the DOE Document 12 Manager. I'm a chemical engineer, and I have a PE 13 in the State of California. 14 The purpose of the meeting is to go through 15 the Supplemental EIS for the Environmental Impact 16 Statement to the Stockpile Stewardship and 17 Management Programmatic EIS, and the EIS number is 18 as you've seen. 19 This Supplemental EIS -- the Programmatic 20 Supplemental EIS resulted -- lawsuit resulted in a 21 Joint Stipulation and Order whereby DOE agreed to 22 evaluate the "...reasonable foreseeable significant 23 adverse environmental impacts of continuing to 24 construct and operate the NIF... with respect to 25 contamination in the area by hazardous, toxic,</p>
<p style="text-align: right;">Page 3</p> <p>1 PROCEEDINGS 2 MR. BROWN: If you'll take your seats, we'll 3 get started on this afternoon's session. 4 Thanks very much. Good afternoon. Welcome 5 to the second of three hearings on the Draft 6 Supplemental Environmental Impact Statement on the 7 National Ignition Facility. 8 My name is Holmes Brown. I'll be the 9 facilitator for the meeting this afternoon. I'm 10 not an employee of the Department of Energy, and I 11 am not an advocate of any particular position or 12 person. My role is to assure that the meeting runs 13 on schedule and to make sure that everybody has an 14 opportunity to speak. 15 The agenda for this afternoon's meeting is 16 as follows: We will begin with a presentation by 17 DOE staff summarizing the content of the 18 Supplemental EIS. Next, a panel of four DOE staff 19 will be available to respond to the questions. And 20 after that, we will begin the formal comment 21 period. 22 The entire meeting will be transcribed by 23 our court reporter, Leti Ralls, who is over in that 24 corner. 25 Let me remind you that the question and</p>	<p style="text-align: right;">Page 5</p> <p>1 and/or radioactive materials." 2 The purpose of this meeting is to discuss 3 the analytical work and the analysis of the 4 Supplemental EIS and to take comments on it 5 regarding its reasonable, foreseeable 6 environmental -- these impacts. 7 This was a narrowly-scoped Supplemental EIS, 8 and it was based on the supplemental agreement. 9 To go over the agenda again and any 10 administrative matters, the DOE presentation is 11 now. There will be an opportunity for elected 12 officials or their representatives to comment. 13 There is a sign-up sheet, plus we have a number of 14 public commentators who called in and already signed 15 up. 16 The transcripts will be made of the meeting, 17 and the Draft Supplemental EIS is on this web site 18 as attached. 19 Just to, you know, reiterate: Anyone 20 that -- the process for the Supplemental EIS, the 21 NEPA process, is that we're expecting comments back 22 by the 20th of December, plus any comments from the 23 court reporters or any oral comments or any 24 comments you give us now. Any comments received 25 will be considered in the final Supplemental EIS.</p>

<p style="text-align: right;">Page 6</p> <p>1 If you have late comments after the December 2 20th, we will consider them to the extent 3 practicable, and that's really the standard DOE 4 process. 5 After all comments are received, a comment 6 response document will be developed, and the SEIS 7 will be published. The record -- the final SEIS 8 comments will be considered in the final SEIS, and 9 a Record of Decision will be published in the 10 Federal Register. Our process is scheduled to be 11 complete in the spring. 12 To go back to the background of the 13 Supplemental EIS, the Programmatic EIS addressed 14 the environmental consequences of siting, 15 construction, and operations of NIF at Livermore. 16 And the ROD was published on December 26th, 1996, 17 to construct and operate the NIF at Livermore, and 18 the groundbreaking took place in May of 1997. 19 This is the photo of the existing 20 conventional facility. It's about 82 percent 21 complete. 22 During the excavations for the facility, we 23 came across capacitors, PCB-containing capacitors 24 and PCB-contaminated soil. The capacitor and soil 25 cleanup were conducted with oversight of the</p>	<p style="text-align: right;">Page 8</p> <p>1 Building 490, and the actual NIF construction site. 2 This is simply a location of all those 3 areas. I don't really think I need to point them 4 out, but each of the seven areas is delineated 5 there. 6 The investigation under the Joint 7 Stipulation and Order had records and photos 8 reviewed, and pressed -- and past and present 9 employees were interviewed. Geophysical surveys 10 were conducted where it was felt to be appropriate 11 or where there was some indication that they might 12 be useful. 13 Groundwater wells and soil borings and 14 excavations were drilled or made. Quarterly 15 reports were provided to the court, and now we're, 16 of course, preparing the Supplemental EIS. 17 Characterization activities included, as I 18 said, the review of the historical records; 19 examination of aerial photographs; interviews with 20 current and past employees; conducting 21 magnetometer, electromagnetic induction, and 22 ground-penetrating radar surveys; drilling 23 boreholes and analyzing soil samples; drilling 24 monitoring wells and analyzing the groundwater 25 samples. We also made a number of exploratory</p>
<p style="text-align: right;">Page 7</p> <p>1 Federal, State, and remedial -- Federal and State 2 Remedial Project Managers following the procedures 3 set forth in CERCLA. The RPMs included the EPA, 4 the State of California Department of Toxic 5 Substances Control, and the San Francisco Bay 6 Regional Water Control Board. 7 At the end of that, we had a lawsuit with 8 the Programmatic -- over the Programmatic SEIS, and 9 we went forward with a Joint Stipulation and Order 10 agreement which required characterization of 11 various areas in and around the NIF site. 12 The characterization was done to determine 13 if the areas contained hazardous, toxic, and/or 14 radioactive buried objects. And during 15 characterization, progress was reported to the 16 court through quarterly reports. And those reports 17 are available in the reading rooms here and at 18 Oakland. 19 Following characterization, a Draft 20 Supplemental EIS was prepared, and that's this 21 document. 22 The areas agreed to in the Joint Stipulation 23 and Order were the helipad area, the East Traffic 24 Circle Area, the Northern Boundary Area, the 25 Building 571 Area, the East Gate Drive Area,</p>	<p style="text-align: right;">Page 9</p> <p>1 excavations based on those geophysical results. 2 Characterization activities actually 3 encompassed four magnetometer surveys, two 4 electrical conductivity surveys, one 5 ground-penetrating radar survey, six new 6 groundwater monitoring wells, 31 soil boreholes, 11 7 test excavations, and a comprehensive review of 8 existing data and just data in general. 9 Just to provide you an idea of the magnitude 10 of the number of groundwater wells we have, this is 11 the northeast portion of the -- of the site. But 12 throughout the site, there's about 450 active 13 groundwater monitoring wells being reviewed. And 14 this -- again, the data was looked at in a 15 comprehensive manner, and this is, again, the 16 northwest -- northeast section. 17 The characterization findings of the NIF 18 construction area itself were: Sediment samples 19 found no contaminants above levels of regulatory 20 concern; construction debris was uncovered during 21 drilling of boreholes and excavation based on the 22 geophysical results, and there was a number made; 23 groundwater sampling at the NIF site found ongoing 24 cleanup had continued to reduce the previous 25 contamination levels; and no PCBs have been</p>

<p style="text-align: right;">Page 10</p> <p>1 detected in groundwater anywhere on the site. 2 The geophysical results in the other areas: 3 Again, boreholes and/or excavations on significant 4 geophysical anomalies were found only -- found only 5 construction debris; groundwater sampling found 6 ongoing cleanup had continued to reduce the prior 7 contamination levels. 8 We also did come across a PCB contamination 9 in the East Traffic Circle in about December of 10 '98. PCB-contaminated soil was identified during 11 routine maintenance, which is out -- and this is 12 about an eighth of a mile from the NIF construction 13 site. Approximately 110 cubic yards of 14 contaminated soil have been removed through a 15 regulatory -- regulator-approved level. 16 Now, removal action was taken under guidance 17 of the CERCLA RPMs, and the cleanup level of 18 ppm 18 was used. Clean fill was used to cover this 19 excavation, and an action memorandum is in 20 preparation. 21 We come to the environmental impacts in the 22 Supplemental EIS. And there's a low likelihood 23 that buried hazardous, toxic, and/or radioactive 24 objects remain in the stipulated area. Soil and 25 groundwater sampling indicate that there is a low</p>	<p style="text-align: right;">Page 12</p> <p>1 operate the NIF under the ROD for the SSM PEIS. 2 The other no-action alternatives that were 3 considered in the Supplemental EIS would be the no 4 NIF project at Livermore, and that is to complete 5 the construction for an alternate use and demolish 6 the facility and return the site to an original 7 condition. 8 And this is, you know, the full range that 9 we considered of the possible no-action 10 alternatives. 11 The draft SEIS finding is -- results of the 12 analysis indicate that concentrations of the 13 contaminants are below applicable levels of 14 regulatory concern, and the impacts from buried 15 material on human health and the environment are 16 very low. 17 The schedule for the remaining Supplemental 18 EIS process is, again -- well, to go back, we 19 issued the Federal Register Notice of Availability 20 11-5-99; we held a public meeting in Washington, 21 D.C.; we're holding this one now and another one 22 tonight here; public comments are due here 12-20-99 23 in writing, if we can have them. 24 We'll issue our final Supplemental EIS based 25 on our response to those comments in the spring of</p>
<p style="text-align: right;">Page 11</p> <p>1 likelihood of finding additional buried waste. 2 Continued construction and operation of NIF would 3 not result in a release of hazardous, toxic, or 4 radioactive materials to the groundwater. 5 The cumulative impacts in the Supplemental 6 EIS is that historical, ongoing CERCLA cleanup 7 actions and the recently completed site 8 characterization have cleaned up contaminated soil 9 and removed buried objects -- buried capacitors; 10 resulted in a continued reduction in groundwater 11 contamination, and shown a low probability of 12 finding any additional buried hazardous, toxic, or 13 radioactive material. 14 Reduction in the cumulative impacts from the 15 historical soil and -- reduction in cumulative 16 impacts from historical soil and groundwater 17 contamination at Livermore will continue to improve 18 the environments at Livermore and its surrounding 19 community. 20 The NIF SEIS alternatives under the Joint 21 Stipulation and Order evaluated two no-action 22 alternatives. The preferred no-action alternative 23 is to complete the NIF project at Livermore, 24 continue to construct in accordance with this 25 detailed site characterization under the JSO and to</p>	<p style="text-align: right;">Page 13</p> <p>1 2000 and publish a Record of Decision in the 2 Federal Register in spring of 2000. 3 Essentially, that's the DOE review of the 4 process. 5 MR. BROWN: It is now time for the question 6 and answer period. 7 I'd like to introduce the other members of 8 the panel in addition to Richard. Dave Crandall is 9 the Director of the Office of Defense Science at 10 the DOE headquarters. Steve Ferguson is an 11 attorney with the Offices of General Counsel in 12 Washington. And Scott Samuelson is the DOE Field 13 Manager for NIF. 14 I'd like to remind you to hold your comments 15 until the comment period. This question and answer 16 period is intended to clarify points about the 17 document or the project. 18 And in order for everybody to have an 19 opportunity to ask at least one question, if I can 20 have people ask one question and perhaps one 21 follow-up until everybody's had a chance, and then 22 we can come back to anybody who has additional 23 questions. 24 So we are open for questions. Who would 25 like to start? Okay.</p>

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1 MS. CABASSO: Hi. I'm Jackie Cabasso. Can
 2 you hear --
 3 MR. BROWN: Yeah, that's fine.
 4 THE REPORTER: Actually -- excuse me. I'd
 5 prefer if she comes up here. I can't hear her.
 6 MR. BROWN: Okay. I guess with the
 7 air-conditioning on, I think we've got a little
 8 competition.
 9 THE REPORTER: Thank you.
 10 MR. BROWN: So if you don't mind stepping up
 11 to the mike? Thanks.
 12 MS. CABASSO: Yeah. My name is Jackie
 13 Cabasso. I'm the executive director of Western
 14 States Legal Foundation, which was one of the
 15 plaintiffs in the lawsuit. And my question is very
 16 specific.
 17 In the most recent Green Book, that is the
 18 DOE Defense Programs Fiscal Year 2000 Stockpile
 19 Stewardship Plan, which is one of the documents we
 20 actually obtained indirectly through the lawsuit, a
 21 Memorandum of Understanding between the DOE and the
 22 Defense Threat Reduction Agency is described, and I
 23 quote, "...to ensure the implementation of the
 24 design features required for weapons defense
 25 testing on the National Ignition Facility."

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1 That's at page 7-27.
 2 "Some types of experiments
 3 discussed include ones that would
 4 use a lithium hydride atmosphere."
 5 So my question is: In light of the recent
 6 disclosures about the possible design delays and
 7 technical problems, how would operating the NIF at
 8 lower energies affect plans for conducting weapons
 9 effects experiments including those using exotic
 10 materials? Would it make early use for weapons
 11 effects experiments more or less likely? And along
 12 the same lines, would operating the NIF at lower
 13 energies make experiments of any kind employing
 14 plutonium or uranium more or less likely?
 15 And those, I think, are questions that go
 16 directly to potential conventional environmental
 17 impacts.
 18 MR. CRANDALL: I guess I get tagged to
 19 respond to that one.
 20 I would like to comment. From the
 21 beginning, you mentioned lithium hydride I think in
 22 terms of the neutron scatterer. There are no plans
 23 for that application that have been proposed by
 24 some scientists, but there are no plans for that
 25 application at NIF, and we never did have any plans

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1 for that application at NIF other than the
 2 proposals from the scientists.
 3 The change that may occur in NIF as a
 4 consequence to the present cost and schedule
 5 difficulties are not well-defined yet. Certainly
 6 there's an expectation that we will operate the
 7 facility, and it could be operated for some time at
 8 less than the full original power.
 9 Many of the materials kinds of experiments,
 10 including weapons effects, could be pursued under
 11 the reduced power but not all. And that has not
 12 been considered in detail because we don't have a
 13 baseline plan that we're working toward.
 14 But there's no change in the nature or
 15 quantity of experiments that's been identified yet
 16 associated with the present change in the cost and
 17 schedule.
 18 You specifically addressed, also, plutonium
 19 and enriched uranium. We do not have any plans for
 20 experiments with plutonium and enriched uranium,
 21 but we have discussed them briefly in the PEIS --
 22 not the Supplemental because it didn't deal with
 23 that. But there's been no change in that
 24 situation.
 25 We will -- according to the statements we

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1 made in association with the Stipulation and Order,
 2 we will, before -- before January 1st of 2004,
 3 decide whether or not we should propose to do any
 4 experiments with plutonium or enriched uranium.
 5 And if we decide we will propose to do that, we
 6 would immediately start environmental action. But
 7 we have no plan for doing anything specific at this
 8 point.
 9 MR. BROWN: Thanks. Other questions?
 10 Yes. If you could step up to the mike
 11 because this is being transcribed. Thanks a lot.
 12 MS. KELLEY: This is a question of a
 13 different sort. There's an awkward balance between
 14 the fact that a question and answer period is not
 15 on the record and a comment is. And my comment has
 16 some questions in it.
 17 So what I would like to propose, if the
 18 panel is willing, is I will go ahead and ask them
 19 in the public comment period -- I'll provide you
 20 with a copy -- and then if there's time left
 21 over -- the other thing is I want to make sure
 22 everybody who wants to comment gets time. And if
 23 there's time left over, can we have a discussion of
 24 some of those questions then?
 25 MR. FERGUSON: I think there may be some

<p style="text-align: right;">Page 18</p> <p>1 misunderstanding. The question and answer period 2 is on the record. It's being transcribed. 3 MS. KELLEY: Yeah. But in a -- if a lawsuit 4 were to result regarding the adequacy of this, it 5 would be arguable, and it would be probably argued 6 by DOE, that it wasn't -- that the questions asked 7 during this period were not necessarily part of the 8 administrative record. 9 So I just want to not get into that by 10 asking them during the official comment period, and 11 then I'd love to have some back and forth in a 12 discussion and see what can be answered informally 13 as well -- as well as what can be answered 14 formally. 15 MR. BROWN: I think our -- our format is to 16 pose questions now, and then once it seems that 17 we've had all the questions answered -- if, as a 18 result of the questions, you have a comment, I 19 don't know if you've signed up to speak -- 20 MS. KELLEY: Yeah. I have about ten 21 questions, though, so, I mean -- 22 MR. BROWN: Okay. Well, why don't you pose, 23 say, two of them now, and then we'll go on to the 24 next people and then try and get back to your 25 further questions?</p>	<p style="text-align: right;">Page 20</p> <p>1 questions? 2 MS. KELLEY: All right. 3 MR. BROWN: We'll see how our time goes. 4 MS. KELLEY: Okay. Some of the operational 5 procedures under consideration for the National 6 Ignition Facility might have new, heretofore 7 unanalyzed environmental consequences. For 8 example, the technical problem of damage 9 propagation at NIF's final optics package where the 10 beams converted to ultraviolet, referred to as the 11 third harmonic, it's been disclosed that this may 12 cause lenses to shatter more often than had been 13 anticipated or desired, and therefore this could 14 engender a vastly scaled-up change-out schedule. 3-2 15 Are there potential radiological risks that 16 may result from employees having to change out the 17 final optics more frequently? For example, the 18 debris shield which is part of this optics package 19 is intended to protect the lens from fragments 20 resulting from the experiments, but what about 21 neutron flux? Will there be any or could there be 22 any neutron activation products? 23 MR. CRANDALL: Am I the target, or can I 24 defer that to Scott? 25 We have no expectation that there are going</p>
<p style="text-align: right;">Page 19</p> <p>1 MS. KELLEY: Am I being unclear, or is it 2 just not okay to go back to question and answers 3 after you hear public comments? 4 MR. SCOTT: For purposes of the public 5 hearing and the need for process, we typically try 6 to use the question and answer period to explain or 7 to -- something actually in the Supplemental EIS or 8 the presentation to kind of make that clearer and 9 not really to engage in question and answers and 10 debate on any of the issues. 11 MS. KELLEY: Right. I don't want to debate, 12 but I do want to give you folks who are here an 13 opportunity to take any of the questions that I 14 present during comments that I think should be 15 discussed and analyzed in the final document and -- 16 and -- and respond or engage or whatever. So I 17 just -- 18 MR. CRANDALL: Well, in terms of your point 19 of order, I don't think there's any difference in 20 the way we would treat your questions versus your 21 comments. 22 MS. KELLEY: And so what is your pleasure? 23 MR. CRANDALL: They will both be on the 24 record, and we will respond to both of them. 25 MR. BROWN: Why don't you pose two</p>	<p style="text-align: right;">Page 21</p> <p>1 to be any shattering of lenses beyond what has been 2 analyzed from the beginning in the project. And 3 the damage issues don't change that. The -- 4 MS. KELLEY: Well, the damage issues mean 3-2 5 that you have a choice to run it at half energy (cont.) 6 right now if you can't resolve the problems 7 otherwise, or to go for some of the high-gain shots 8 or risk-damage propagation and shatter more lenses. 9 MR. CRANDALL: There is no expectation of 10 shattered lenses. They will be replaced long 11 before they've shattered. 12 MS. KELLEY: Okay. 13 MR. CRANDALL: So that's a very strange 14 question that I don't really know quite how to 15 respond to. In addition -- 3-2 16 MS. KELLEY: So the increased change-out (cont.) 17 schedule -- 18 MR. CRANDALL: The increased change-out 19 schedule would not have any known or quantified 20 radiological hazards associated with it. It has 21 very standard hands-on kind of work. 22 MS. KELLEY: Right. So the neutron flux 3-2 23 doesn't reach the shield? There aren't any neutron (cont.) 24 activation products? Is that what I'm hearing? 25 MR. CRANDALL: What neutron activation</p>

<p style="text-align: right;">Page 22</p> <p>1 products could be expected at that point are 2 extremely low under any circumstances. So you're 3 assuming that we have successful ignition many 4 times over before we have any neutron activation. 5 And that's a problem we'd love to have but I don't 6 expect. 7 MS. KELLEY: Well, you have -- you have 8 fusion neutrons at NOVA. I mean, you even get into 9 the neighborhood. And you have neutrons in some 10 alphas Is this going to be analyzed? 11 MR. CRANDALL: Of course. This has been 12 analyzed. There's no measurable neutron activation 13 product associated with that change-out. 14 MS. KELLEY: Same question about chemical 15 risks that could be increased due to more frequent 16 change-outs. 17 MR. CRANDALL: You'd have to be more 18 specific. I don't know what chemical risks would 19 be induced. There's no significant chemistry 20 involved in the change-out other than washing -- 21 MS. KELLEY: Volatiles, et cetera? 22 MR. CRANDALL: No. 23 MS. KELLEY: There wouldn't? 24 MR. CRANDALL: No. 25 MS. KELLEY: And how about NIF's waste</p> <p style="text-align: right;">3-2 (cont.) 3-3 3-3 (cont.)</p>	<p style="text-align: right;">Page 24</p> <p>1 MR. SCOTT: Okay. 2 MR. BROWN: Other questions? Yes. 3 MR. ZAHN: My name is Ken Zahn, resident of 4 Tracy. And I just wanted to ask if, perhaps, 5 during the start of the comment period it might be 6 reiterated by the moderator or one of the panel 7 members what the scope is for comments and 8 questions. 9 As I recall or understood, this was to be a 10 discussion of the Supplemental EIS, not necessarily 11 general questions. Certainly general questions 12 could be posed, but to take the time to discuss 13 ancillary issues that aren't pertinent to the 14 supplement itself seems, to me, to be not where we 15 should be going with this. 16 So I would hope and propose that you could 17 review for the group what the scope of comments 18 that are pertinent to this subject are for purposes 19 of the public periods that we have available to us. 20 Thanks. 21 MR. BROWN: Thanks. I think the comments 22 that will be most helpful and the ones that will be 23 responded to in the final Supplemental EIS document 24 are those that relate directly to the document and 25 the range of the document. I mean --</p> <p style="text-align: right;">3-5</p>
<p style="text-align: right;">Page 23</p> <p>1 stream? Has that been analyzed in terms of how 2 that might be impacted by more frequent change-out? 3 I mean, we're talking potentially substantially 4 more frequent. 5 MR. CRANDALL: I doubt that, actually. 6 There's a limit to -- the waste stream was analyzed 7 for NIF in the SEIS, and we have no expectation 8 under any servicing conditions of exceeding the 9 waste stream that was analyzed. 10 MR. BROWN: Let me try and get a few other 11 people, and maybe we can get back to you. 12 MS. KELLEY: All right. Or I'll just do it 13 during the -- 14 MR. BROWN: Okay. 15 MR. SCOTT: Well, these are some detailed 16 questions. We probably would like to get them in 17 writing so we can respond, you know, in the 18 appropriate forum there. And so I'm sure you'll 19 provide them in writing, and we'll be able to 20 respond in the final Supplemental EIS. Because 21 that's -- we don't need to do this here. You know, 22 the purpose of this is to explain. 23 MS. KELLEY: But time allowing. I'm -- I'm 24 actually interested. That was an honest question 25 about the neutron flux.</p> <p style="text-align: right;">3-4</p>	<p style="text-align: right;">Page 25</p> <p>1 MR. FERGUSON: Just to add to that, all 2 comments will be responded to. But the response to 3 some comments may well be that they aren't relevant 4 to the questions raised in the document. 5 MR. BROWN: Are there other questions? 6 UNIDENTIFIED SPEAKER: I have a quick 7 follow-up on some very specific things. 8 MR. BROWN: Oh, sure. 9 I'm sorry. This gentleman hasn't posed a 10 question yet. Go ahead and pose a question, then 11 we'll get to you next. 12 MR. STEINHAUER: Just a brief question in 13 regard to the most recent remarks that have been 14 made. And I understand -- I truly understand your 15 need to focus on the document, and I understand the 16 problems behind it. 17 You have a magnificent opportunity here to 18 go beyond that narrow, horse blinder vision of 19 dealing with those issues in the document and 20 trying to deal with other things that will 21 undoubtedly come up. And along the way, they will 22 lead to other challenges and other lawsuits and 23 other problems. 24 And I understand your vested interest, and I 25 think that you gentlemen should take a hard look at</p> <p style="text-align: right;">3-6</p>

<p style="text-align: right;">Page 26</p> <p>1 the interests of some of the other people that are 2 gathered here and the other concerns that they 3 have. 4 And if you're not prepared to widen your 5 scope of the issues that are being raised and dealt 6 with here, not just the cost overrides and the 7 technical problems and all other things, and 8 actually the concealment of some of the data that 9 has to be drug -- dragged out through the Freedom 10 of Information Act and other questions -- other 11 formations, whether you're not going to delay the 12 process that you are trying to move along. 13 And so maybe for now it rests on the four of 14 you gentlemen to decide whether you're going to 15 deal honestly with integrity and with honesty with 16 the issues or whether you're going to try to say, 17 "Well, we're only dealing with this issue." 18 And if you succeed in that, well then, fine. 19 But you're only going to create more problems down 20 the road. You're only going to generate more 21 challenges, more lawsuits, and more delays. 22 So to some degree, I'm asking, you know: 23 What's the depth of your integrity in this matter? 24 How honest and open are you prepared to be? 25 I'll take the answer from my seat. Thank</p> <p style="text-align: right;">3-6 (cont.)</p>	<p style="text-align: right;">Page 28</p> <p>1 MS. CABASSO: Yeah. Jackie Cabasso again. 2 I wanted to go back to my original question 3 and just ask you if you could comment on this 4 Memorandum of Understanding between the DOE and the 5 Defense Threat Reduction Agency regarding ensuring 6 the implementation of design features required for 7 weapons effects testing in the NIF. 3-7 8 What does that -- we know the Memorandum of 9 Understanding exists. What does it -- what does it 10 talk about? 11 MR. CRANDALL: The Memorandum of Agreement 12 is a very brief and simple document. It may be two 13 pages, but I think it's only one. 14 It recognizes what is in the Mission Needs 15 Statement for the NIF, that radiation effects and 16 weapons effects are part of the mission for the 17 NIF. And it stipulates that the DOE will work to 18 include design features that allow that to happen. 19 Principally, the point was to provide a 20 basis for cooperation between DTRA and the 21 Department of Energy on that issue. And it 22 specifically was included and analyzed in the PEIS, 23 the NIF-specific portion of the PEIS. And the 24 principle effect of that design was to allow for 25 red light -- not the blue light, but the red</p>
<p style="text-align: right;">Page 27</p> <p>1 you. 2 MR. BROWN: Thank you. 3 MR. FERGUSON: I'm not sure there's a 4 question there, but I'll try to answer it. 5 This process, as laid out originally by the 6 moderator and by the first speaker, was the one 7 that was initially documented when the process was 8 started. 9 There has been no attempt to conceal 10 information, no attempt to have it be anything 11 other than as it's stated. The Supplemental EIS is 12 being produced as a result of an agreement reached 13 by the parties in the lawsuits. The scope of the 14 document was delineated within that agreement. 15 There was a very specific issue raised at the time. 16 The purpose of this document is to address 17 that issue. That does not preclude other processes 18 the Department might undertake to address concerns 19 raised by the public. And I think the Department 20 has a very good record in raising and addressing 21 those concerns and listening to the public. 22 But today we are here for a very specific 23 purpose. 24 MR. BROWN: Okay. There was a follow-up 25 question?</p>	<p style="text-align: right;">Page 29</p> <p>1 light -- to be distributed within the collision 2 chamber to be put on so that x-rays could be 3 directly converted from the red light of the laser 4 to provide a large area illumination of things that 5 might be put in the target chamber. 6 This involves no radioactivity, involves no 7 hazardous materials beyond those innate already in 8 the facility, and it does not involve fusion 9 ignition. 10 That was the principle effect. It wasn't 11 the only one. What we did was to make sure that 12 the facility was as flexible as possible for 13 producing radiation light that would be useful in 14 weapons effects. And it did not change the 15 facility in any substantial ways other than the 16 ability to redirect red light into the chamber. 17 MS. CABASSO: Is it a particularly sensitive 18 document? 19 MR. CRANDALL: No. 20 MS. CABASSO: Because we have FOIA'd it, and 3-8 21 we've been waiting quite a while for a response. 22 Is there anything you could do to help us get it? 23 MR. CRANDALL: I'm surprised. I think you 24 already have that document. 25 MS. CABASSO: No, we don't.</p>

<p style="text-align: right;">Page 30</p> <p>1 MR. CRANDALL: I bet you do. I bet you I 2 can help you find it. It's in the legal 3 proceedings that were done before, documents that 4 were provided to you. So when you find it, you're 5 not going to find anything very interesting, I'm 6 afraid. 7 MS. CABASSO: But I can come back to you if 8 we can't find it? 9 MR. CRANDALL: We should get it in your 10 hands. There's no secret here. 11 MS. CABASSO: Yeah. All right. Well, I'm 12 just saying, though, this is how rumors develop and 13 how perceptions of bad faith come up in a public 14 process when we actually FOIA something and we 15 don't get anything, and then we begin to wonder. 16 So I'm just -- it's an illustration of the kind of 17 thing that comes up. 18 I have to respond to the gentleman who spoke 19 from Tracy and say that under NEPA there is nothing 20 that precludes the Department of Energy in this 21 process from taking another look at the purpose and 22 need for the program and the scope of the hearing. 23 And so, as you correctly responded, the time 24 when the DOE will declare something out of bounds 25 is after they've heard what it is, not before.</p> <p style="text-align: right;">3-9</p>	<p style="text-align: right;">Page 32</p> <p>1 And Dr. Crandall answered that question in 2 previous hearings to say, no, they would always go 3 off. The question had to do -- the question about 4 reliability had to do with the yield curve, the 5 particular characteristics of the explosion, not 6 whether they would explode at all. 7 And I want to ask the same question again: 8 Is that still true? 9 MR. CRANDALL: No matter what I say, it will 10 be used differently probably. 11 There can be no clear answer to what the 12 reliability issues would be unless we know very 13 specifically what it is we're addressing. 14 There are a large range of physical 15 processes and materials responses that have to be 16 understood in evaluating what we find in our 17 nuclear weapons. We do a regular surveillance of 18 nuclear weapons. We find issues problems all the 19 time that -- many of them that need specific 20 resolution in terms of the behavior of materials 21 under different conditions. 22 There are few, if any, previous expectations 23 that there would be zero functioning of a nuclear 24 weapon, but there are -- there are serious and less 25 serious and various degrees of analyses that are</p> <p style="text-align: right;">3-10 (cont.)</p>
<p style="text-align: right;">Page 31</p> <p>1 MR. BROWN: Thank you. 2 Other questions? 3 (No response.) 4 MR. BROWN: How did you want to -- did you 5 want to make your questions and comments, combine 6 them during the comment period? 7 MR. SCOTT: Excuse me. There's one over 8 here. 9 MR. BROWN: I'm sorry. I didn't see the 10 hands. Yeah? 11 UNIDENTIFIED SPEAKER: Hi. My question has 12 to do with the Purpose and Needs Statement in the 13 document. It says that -- I'll read the sentence. 14 It says, 15 "As explained in the SSM PEIS those 16 models" -- speaking of the computer 17 models -- "are needed to simulate 18 weapons physics, thereby providing 19 insights on the reliability of the 20 weapons stockpile." 21 In previous hearings, the question has been 22 asked about reliability, whether reliability ever 23 meant that there was any question that the weapons 24 that we have in the stockpile would not go off at 25 all.</p> <p style="text-align: right;">3-10</p>	<p style="text-align: right;">Page 33</p> <p>1 done for every one of those that come up. 2 And you have to be able to speak to 3 individual ones to be -- to be concrete as to 4 whether or not it's a yield issue or a function 5 issue or a characterization of the output issue 6 that you're dealing with, and those become 7 classified subjects when you get specific. 8 So there's a full range, very broad range of 9 materials issues that get addressed. 10 UNIDENTIFIED SPEAKER: I understand that 11 these are material issues. I understand it's a 12 broad range, and I understand that they're 13 classified. I'm not asking you about any 14 particular issue that's classified. 15 I'm asking: Because you're building this 16 facility to the tune of, you know, a billion plus 17 dollars, in your statement saying, "This is to 18 address reliability." 19 I'm asking: Are any of those reliability 20 issues concerned with whether the weapons will 21 work? And buried in your answer was, there is very 22 little, zero expectation, that there would be zero 23 yield on anything. And that's really not what 24 you're building this for, right? I mean, that's 25 what I'm asking.</p> <p style="text-align: right;">3-11</p>

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1 MR. CRANDALL: What we evaluate to is the
 2 military effective yield, which is set by DOD
 3 requirements. And to my knowledge -- to my
 4 personal knowledge, we have not had situations in
 5 which we thought there would be no consequence from
 6 triggering a nuclear weapon. But that's -- I don't
 7 know everything, fortunately.
 8 UNIDENTIFIED SPEAKER: Okay. I take that as
 9 my answer, and I would summarize the answer and ask
 10 you if this is a correct summary: That, although
 11 in the public and newspapers and so forth,
 12 reliability is often interpreted as, "Is our
 13 stockpile reliable," in a sense, "Will it work?"
 14 That's not the issue here.
 15 Your reliability is measured against the
 16 military need for a weapon to perform in a certain
 17 way. And that's the only -- the perceived military
 18 need for the weapon to perform in a certain way,
 19 and that's what you mean by reliability, not
 20 whether the weapons will work.
 21 Right? Did I -- did I capture what you said
 22 correctly?
 23 MR. CRANDALL: Yes, except that you can't
 24 say that that's exclusive of whether the weapons
 25 would work, but yes.

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1 MR. FERGUSON: I think it's worth
 2 mentioning, too, that the Department of Defense and
 3 Energy must jointly, yearly certify to the
 4 President that the stockpile is safe and reliable.
 5 That certification, as I said, must occur on
 6 a yearly basis. And your question implied a static
 7 situation. And as time progresses and the
 8 stockpile ages, questions about function will merge
 9 and blur, and each year that certification still
 10 has to be made.
 11 So I'm not a scientist, but all I can say is
 12 I think it's a mistake to consider this to be a
 13 static, snapshot question or issue with respect to
 14 reliability.
 15 UNIDENTIFIED SPEAKER: I know that the
 16 phrase "safety and reliability" gets used a lot
 17 together. I point out that this document says
 18 nothing about safety issues. It says only about
 19 reliability issues. So I don't think we ought to
 20 bring up the safety question here.
 21 You're not building this to ensure the
 22 safety of the stockpile. You're building this to
 23 ensure the reliability of the stockpile. And my
 24 question had to do with what you mean by
 25 "reliability."

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1 You're also building it to look towards the
 2 future. So if you're building it for the
 3 reliability of the stockpile, you can't just say,
 4 "Well, there might be something that comes up in
 5 the future that we might be able to use this for."
 6 You must have particular things in mind that, as
 7 Dr. Crandall says, are classified.
 8 I'm not asking about what those particular
 9 things are. I'm just saying: Are any of those
 10 particular things that you have in mind have to do
 11 with whether the weapons will function? And the
 12 answer was "no."
 13 Okay. And I don't think you ought to muddy
 14 it with safety, reliability and thinking about, you
 15 know, what might happen in the future. That's not
 16 what you're building it for. You're building it
 17 for what you know about now and what you're
 18 projecting for the future.
 19 At least I hope you're doing it, and not
 20 just doing this on a lark, spending all this money
 21 on a lark.
 22 MR. CRANDALL: But the comment is: The NIF
 23 is designed for and needed for looking at material
 24 responses, how materials function at very high
 25 densities, temperatures, and pressures; that NIF is

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1 the principle instrument of doing that with respect
 2 to stockpile issues for either known, unknown,
 3 known-unknowns or unknown-unknowns that may occur
 4 in the stockpile.
 5 We know that the materials in nuclear
 6 weapons have to carry out certain behaviors and
 7 functions at very high temperatures, pressures, and
 8 densities. And this is our principle instrument
 9 for being able to examine materials in that
 10 physical regime.
 11 MR. BROWN: Okay. Are there other
 12 questions?
 13 (No response.)
 14 MR. BROWN: I was going to suggest, in
 15 response to your questions, that many of them seem
 16 to be fairly detailed and technical. And perhaps,
 17 as the panel suggested, they could be submitted in
 18 writing to get a more comprehensive -- okay.
 19 And also, after the question and answer
 20 period, some of the panelists may be available to
 21 talk to you informally, and you are signed up to
 22 make comments. So you can make your comments at
 23 that point.
 24 Are there any other questions at this point?
 25 (No response.)

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3-11
(cont.)

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3-12

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3-12
(cont.)

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<p style="text-align: right;">Page 38</p> <p>1 MR. BROWN: Okay. I think we will now move 2 into the formal comment period. I believe we have 3 12 persons signed up to speak. Has anybody else 4 come in who would -- who's not signed up to speak 5 who would like to? I'm trying to figure out how we 6 apportion our time. Just have a show of hands. 7 Anybody else who will be wanting to make 8 comments? 9 UNIDENTIFIED SPEAKER: Excuse me. 10 MR. BROWN: Yes? 11 UNIDENTIFIED SPEAKER: Since nobody got call 12 backs from calling in in terms of signing on, who 13 is on the sign-up sheets so we know the names that 14 are listed? Some people might have called and not 15 be on the list. 16 MR. BROWN: Okay. Let me read through the 17 folks that I have. Karen Majors, with the mayor's 18 office, then Marylia Kelley, Sally Light, Don 19 Larkin, Dale Nesbitt, Madilyn Duckles, Rene 20 Steinhaven (sic), Janis Turner, Cindy Pile, Tal 21 Simchoni, Ann -- is it Beier or Beier? 22 MS. BEIER: Beier. 23 MR. BROWN: -- Beier who signed up this 24 evening, and then Jackie Cabasso who also signed up 25 this evening. So those are the names that I have.</p>	<p style="text-align: right;">Page 40</p> <p>1 statement. 2 So I'd like to call our first speaker at 3 this point. That's Karen Majors, who is the 4 Economic Development Director for Mayor Cathie 5 Brown's office. 6 MS. MAJORS: Good afternoon. My name is 7 Karen Majors, and as the gentleman said, I'm the 8 Economic Development Director for the City of 9 Livermore. 10 Mayor Brown asked me to come and read a 11 letter that her office prepared as written 12 testimony, and she would like to have it read into 13 the record. Unfortunately, her schedule did not 14 permit her to be here this afternoon. 15 The letter is addressed to Mr. Richard 16 Scott, U.S. Department of Energy. 17 "Dear Mr. Scott, 18 "On behalf of the City of 19 Livermore, I would like to affirm 20 the City's support of the 21 construction and operation of the 22 National Ignition Facility at 23 Lawrence Livermore National 24 Laboratory. 25 "Today's public hearing is about</p>	<p style="text-align: center;">3-13</p>
<p style="text-align: right;">Page 39</p> <p>1 UNIDENTIFIED SPEAKER: Madilyn Duckles will 2 not be here. She called me to let me know she was 3 not going to be here. 4 MR. BROWN: Okay. All right. Well, I'll 5 call the names in order, and if folks aren't here, 6 we'll go on to the next. 7 Is there anybody missing, or is there 8 anybody here who would like to make comments? 9 Okay. I guess we have on the order of 10 or 10 11 speaking. 11 We're now prepared to take formal comments. 12 I will ask each person, as their name is called, to 13 step up to the microphone and identify themselves 14 and provide an organizational affiliation, if that 15 is appropriate. 16 Because of the number who are signed up -- 17 and I want to make sure that everybody has an 18 opportunity to speak -- I'll ask that the initial 19 presentation be confined to ten minutes. I will 20 notify you after eight minutes have elapsed, and if 21 you can wrap your comments up within ten minutes, 22 that's fine. And if not, if you can end at ten 23 minutes and you have further comments after 24 everyone else has had a chance to speak, we'll come 25 back to you so that you can complete your</p>	<p style="text-align: right;">Page 41</p> <p>1 the draft Supplemental 2 Environmental Impact Statement or 3 SEIS. This SEIS was necessitated 4 because of the fact that during 5 excavation for NIF in 1997, the 6 construction contractor 7 unexpectedly uncovered electrical 8 equipment containing PCB oil, a 9 hazardous material. 10 "It was disturbing that an 11 undocumented hazardous material 12 dump was uncovered; however, I was 13 impressed with the speed and 14 professionalism of Lawrence 15 Livermore National Lab in handling 16 the situation. Representatives 17 from Lawrence Livermore National 18 Lab notified me immediately and 19 continued to keep me informed -- 20 fully informed of the 21 circumstances. I was assured that 22 at no time the citizens of 23 Livermore were in any danger from 24 this event. 25 "This type of response, when</p>	

<p style="text-align: right;">Page 42</p> <p>1 unexpected events occur, gives me 2 confidence that Lawrence Livermore 3 National Lab is a good neighbor. I 4 continue to support the NIF and 5 urge you to accept the SEIS and 6 proceed with the project. 7 "Sincerely, Cathie Brown, Mayor" 8 Thank you. 9 MR. BROWN: Thanks very much. 10 Our next speaker is Marylia Kelley. 11 MS. KELLEY: Hi. I, too, was impressed with 12 the speed of the cleanup but need to mention that 13 it was an emergency removal action under the 14 Superfund Law. 15 What I want to say regarding this particular 16 document is it must be noted that no scoping 17 meeting was held. Now, it's the agency's 18 discretion whether they want to hold a scoping 19 meeting or not. You folks chose not to. 20 As currently written, the scope of the draft 21 Supplemental Programmatic Environmental Impact 22 Statement is inadequate because it's absurdly 23 limited. Currently the draft Supplemental PEIS is 24 limited to a mostly backwards-looking analysis of 25 how the Department, way back in 1997, cleaned up</p> <p style="text-align: center;">3-13 (cont.)</p> <p style="text-align: center;">3-14</p>	<p style="text-align: right;">Page 44</p> <p>1 build a half NIF consisting of 96 beams. This 2 proposal comes with a subpart containing changes in 3 the order in which the laser beams are to be 4 brought on-line. 5 The order in which laser beamlines become 6 operational and whether there are full or half of 7 them affects NIF's experimental capabilities. 8 Further, these new proposals may alter the 9 time frame in which different categories of 10 experiments are likely to be done. These things, 11 in turn, could mean a change in the environmental 12 impact of NIF. 13 The supplemental PEIS should analyze, for 14 example, whether experiments using plutonium or 15 highly-enriched uranium are made more likely by the 16 change in the beamlines' number and/or operational 17 order, as was mentioned in the Q and A time. 18 Further, the document should explore whether 19 experiments that could use plutonium or HEU are 20 likely to occur earlier or later as a result of 21 these changes. 22 And those same questions should be answered 23 and were partially answered by you but should also 24 be in the document -- "you" in this case being you, 25 David -- about weapons effects testing.</p> <p style="text-align: center;">3-15 (cont.)</p> <p style="text-align: center;">3-16</p>
<p style="text-align: right;">Page 43</p> <p>1 112 PCB-laden capacitors found in an undocumented 2 waste dump during the initial phase of NIF 3 construction, with some mention added about the 4 court-ordered investigations that followed and the 5 discovery of additional PCB-contaminated soil in 6 the Special Study Area in 1998, which were later 7 removed. 8 The National Environmental Policy Act, the 9 law under which this document is being prepared, 10 intends environmental analyses to be 11 forward-looking and to assist an agency and the 12 public in engaging in good decisionmaking. 13 If this document is to meet that bar, it 14 must be expanded to incorporate new information and 15 new proposals regarding the National Ignition 16 Facility construction and operation that have 17 emerged since that 1997 court order, including a 18 full analysis of NIF's cost overruns and the 19 underlying technical problems. 20 Second, there are proposals before the 21 Department that, in essence, make NIF a very 22 different and, therefore, new project, unlike the 23 NIF that was analyzed in the 1996 PEIS, making that 24 out of date. 25 There is a proposal currently before DOE to</p> <p style="text-align: center;">3-15</p>	<p style="text-align: right;">Page 45</p> <p>1 There could be differences in various kinds 2 of toxic materials that may or may not be used. 3 Third, the draft Supplemental PEIS relies on 4 a Purpose and Needs Statement made in the 1996 PEIS 5 which is inadequate in light of this new 6 information and potential changes for NIF. 7 Regarding the purpose and need for NIF as 8 put in this document, Chapter One, page 3, contains 9 the statement that, quote, 10 "NIF will provide a unique 11 capability as a key component of 12 DOE's science-based stewardship of 13 the nation's nuclear weapons 14 stockpile," end quote. 15 NIF's operational capabilities are very much 16 called into question by the serious, unresolved 17 technical problems with laser glass and other 18 optics, with target fabrication and with 19 diagnostics. At a minimum, this should trigger a 20 reassessment of NIF's purpose and need. 21 We note, as well, that the U.S. 22 Environmental Protection Agency requested that the 23 draft Supplemental EIS contain a, quote, clear 24 statement of purpose and need. And that's in 25 Chapter One, page 7. The DOE declined to do so.</p> <p style="text-align: center;">3-17</p> <p style="text-align: center;">3-18</p>

<p>1 This deficiency must be remediated in the final -- 2 remedied in the final document. 3 Four, DOE's preferred choice called the 4 no-action as an ongoing activity -- which is an 5 interesting way to turn "no-action alternative" on 6 its ear -- in Chapter Two of the Supplemental PEIS 7 is so narrowly construed that it becomes useless as 8 a decisionmaking tool. 9 Chapter Two, page 1, states, quote, 10 "Under this interpretation of the 11 no-action alternative, DOE would 12 make no changes in the design of 13 NIF, would undertake no deviations 14 in construction techniques, and 15 would impose no operational changes 16 in response to the information 17 regarding site contamination 18 obtained during the 19 characterization studies." 20 This is a surreal inversion of the reality 21 surrounding the NIF. In fact, there are proposals 22 that would significantly alter all three of those 23 above-quoted parameters; that is, NIF design, 24 construction techniques, and operational changes. 25 DOE hinges its preferred action on a mere</p>	<p>Page 46 3-18 (cont.) 3-19</p>	<p>1 You can't put that down as a negative impact 2 of not continuing with what is, in fact, a 3 radiological facility to begin with. 4 Also, this draft document contains 5 unsupported statements about other uses using fewer 6 employees. It is not justified in this document. 7 The opposite could, in fact, end up being true. 8 The NIF, according to DOE and Lab documents, 9 may employ only 230 to 300 long-term employees, and 10 most of those were moved over from NOVA. And as 11 Dave Crandall knows, we objected to the dismantling 12 of NOVA. So in terms of new jobs, transitioning 13 this facility into something else at the Lab could, 14 in fact, have a net job gain. 15 Six, "Operation" -- this is a quote from 16 your viewgraph, Richard. 17 "Operation of NIF will have no 18 impact on soil or groundwater," end 19 quote. 20 I just want to point out that part of the 21 Superfund cleanup going on at Livermore Lab 22 includes a Freon plume as well as TCE and other 23 organics in the laser area. And the only 24 candidates for that Freon plume are NOVA and 25 U-AVLIS.</p>	<p>Page 48 3-20 (cont.) 3-21 3-22</p>
<p>1 assertion that these major changes are not 2 necessarily linked to the discovery of the 3 PCB-laden soils in the NIF construction area. 4 So what? Should DOE simply ignore the 5 larger reality and proceed? If DOE chooses this 6 course, it will waste taxpayer money and run 7 contrary to the spirit and letter of the National 8 Environmental Policy Act. A second, hard look at 9 NIF is the action that's warranted at this juncture 10 in time. 11 Furthermore, DOE must seriously consider a 12 true no-action alternative; that is, to halt the 13 construction of the National Ignition Facility. 14 The draft Supplemental PEIS dodges giving 15 this option the consideration that it deserves. In 16 fact, various parts of this document have 17 prejudicial wording regarding the impacts of not 18 moving forward with construction. 19 There's one part that says that there could 20 be radioactive releases associated, for example, 21 with using the building for other purposes. Right 22 now it's just concrete. There's no radiation there 23 today. So that's an outrageous statement because 24 whether or not there would be radioactive releases 25 would depend entirely on what the other use was.</p>	<p>Page 47 3-20</p>	<p>1 So you can't just simply, blithely, make 2 that statement. It's something -- the 3 environmental impacts seriously need to be looked 4 at. 5 Seven -- 6 MR. BROWN: Two minutes, Marylia. 7 MS. KELLEY: All right. 8 MR. BROWN: Thanks. 9 MS. KELLEY: Regarding my earlier questions 10 about the change-out. Part of your reply, David, 11 was that there's no expectation of shattering 12 lenses. 13 And I want to seriously suggest that the 14 less optimistic aspects of some of these problems 15 need to be analyzed in the document. In other 16 words, you maybe should consider that there may 17 well be a lot of shattered optics, a lot of 18 additional change-outs, and a lot of impacts that 19 could be downstream from that that should be looked 20 at. 21 I also want to take this opportunity quickly 22 to ask for three documents and that they be made 23 part of the record. 24 One is, Mike Campbell told me in August of 25 last year when he was Associate Director for Lasers</p>	<p>Page 49 3-23 3-24</p>

<p>1 that there was a report delineating all of the 2 Beamlet experiments, not only their purposes but 3 also an evaluation of them, a look at their 4 parameters, a look at what they proved or didn't 5 prove. And he said he would make that report 6 available to me after it got out of the internal 7 peer review here about the first of this year. I 8 have yet to see that report. 9 So any report or reports on the results of 10 Beamlet experiments, since everything in NIF -- not 11 everything, but many things in NIF are predicated 12 on what was supposedly proved in Beamlet. And I'm 13 referring to the Lab's presentations to the 14 Secretary of Energy Advisory Board task force on 15 that. 16 And those statements are being made without 17 the base document being available to the public to 18 analyze whether or not that, in fact, justifies the 19 statements made by the Lab. 20 The second thing that should be part of the 21 record is the Livermore Lab's new baseline report 22 that they submitted to the Department of Energy a 23 couple weeks ago now. 24 The Lab is claiming that that's in draft 25 form, but, in fact, at least as a preliminary</p>	<p>Page 50</p> <p>3-24 (cont.)</p>	<p>Page 52</p> <p>1 Communities Against a Radioactive Environment. I'm 2 the nuclear weapons and waste program analyst. 3 A lot of my concern today -- there will be 4 others who will speak in detail about the actual 5 document, such as Marylia and Jackie and so forth. 6 I question -- I want to bring up the issue 7 of credibility, generally and specifically. 8 Credibility in terms of DOE's credibility with the 9 public. Every time that we have an EIS or a PEIS, 10 it's the DOE who is performing that. It's not an 11 independent, outside agency that's unbiased. And 12 so that always brings up issues of credibility for 13 me. 14 And when I looked to the specifics of the 15 NIF situation, it takes a further wrinkle because I 16 think that the Department of Energy and the Lab's 17 conduct in terms of the time -- at the time the 18 capacitors were found in the target chamber as it 19 was being dug out -- I mean, I happen to -- I was 20 actually in the -- in the Tri-Valley CARES' office 21 the day that we got a call saying that these 22 capacitors were being unearthed. 23 And as I recollect -- and I was a part of 24 the steering group on this lawsuit, so I was deeply 25 involved in all of this -- that actually the bare</p> <p>3-26</p>
<p>1 report, that is their final of that aspect of it, 2 and that should be part of the record now. We 3 shouldn't have to wait until next June when it's 4 due in Congress to be able to see that because the 5 baseline impacts the project and whether, in fact, 6 it's a substantially different project with 7 substantially different impacts. And that needs to 8 be part of this record. 9 The third thing is, I also want to make sure 10 that the MOU between the DOE and the Defense Threat 11 Reduction Agency is made part of the record, and 12 also additional MOUs with France and Great Britain 13 that impact the design, construction, and operation 14 and monies for NIF also be made part of the 15 administrative record. 16 And finally, I just want to quote Richard. 17 He said at the beginning, "This is a 18 narrowly-scoped Supplemental EIS," and I want to 19 thank you for that honest statement. And my 20 comment is: Too narrowly scoped. 21 Thank you. 22 MR. BROWN: Thanks very much. 23 Sally Light? 24 MS. LIGHT: Good afternoon. My name is 25 Sally Light. I work for Tri-Valley CAREs,</p>	<p>Page 51</p> <p>3-25</p>	<p>Page 53</p> <p>1 minimum of reporting was accomplished by the Lab 2 and DOE about those capacitors. 3 And I was the one who suggested that we 4 contact our attorney and see whether this would be 5 of interest, and it turned out to be very much of 6 interest. We would not be sitting here today 7 discussing this draft document had we not acted on 8 it, researched it out, got to the court. And the 9 court was irate at DOE and the Lab. And that 10 turned a lot of things around in terms of the whole 11 lawsuit. 12 So, again, when I think about that, that is 13 a major question, and I want the media to remember 14 back to that time, two and a half years ago. 15 And also, when I look at EISes in terms of 16 how DOE produces the documents, in general they're 17 very flat, flat, narrow in scope, rather toothless 18 documents with very predictable findings. 19 And this -- this particular document is also 20 like that. I'm very upset with the narrowness of 21 the scope and some of the issues that others have 22 already raised today in terms of the Q and A period 23 as well as their comments. I underscore their 24 concerns about the lack of reality about what's 25 going on now in terms of new proposals concerning</p> <p>3-27</p>

<p style="text-align: right;">Page 54</p> <p>1 the design and so forth of the NIF and how it plays 2 here in terms of the document. 3 And I think the document is inadequate as it 4 is, but it certainly is far more inadequate in view 5 of the last six months' revelations concerning the 6 NIF. 7 I think that the style of the document is 8 rather arrogant. I think that, you know, it wasn't 9 done out of voluntary good faith, goodwill to 10 present alternatives to the public. We dragged it 11 out of you through our having to go to court, which 12 is a shame, but that's the way it is. And I think 13 that also plays into the credibility of the public. 14 I -- I feel that DOE and the Lab just -- 15 they don't want anything to impede the NIF. The 16 NIF has been touted by DOE as the flagship project 17 of the Stockpile Stewardship Program. And so, 18 again, the issue of good faith comes in. 19 When I think back to June of this year at 20 the target dedication, the NIF dedication ceremony, 21 when Secretary Richardson actually got up and 22 boasted that the project was within budget and on 23 time, that brings up another issue of credibility 24 to me because at the very minimum he was, shall we 25 say, misled by the Department of Energy, his own</p> <p style="text-align: right;">3-27 (cont.)</p> <p style="text-align: right;">3-28</p>	<p style="text-align: right;">Page 56</p> <p>1 That's my main thing. I -- I -- how can I 2 stand here and believe anything anybody's telling 3 me anymore about NIF? 4 Thank you. 5 MR. CRANDALL: I would like to make one 6 comment or two comments in response, and it's 7 partly to Marylia's question. 8 First of all, the Department is concerned 9 about its credibility, and some of us urge openness 10 and -- and easier communication. Our position is 11 undermined by revisiting the same issues too many 12 times. And so we could use help from everybody in 13 helping -- in trying to make credibility and 14 openness easier for the Department to execute and 15 achieve. 16 Secondly, we do not have -- it is certainly 17 true that NIF is going through a question 18 associated with the cost and schedule. And we 19 don't have a baseline plan for what we're coming 20 to, so we don't have something to analyze at this 21 point. 22 However, there is zero expectation in any of 23 the discussions so far that the fundamental 24 missions and needs and experiments change because 25 of this. They may change in time; that is, they</p> <p style="text-align: right;">3-28 (cont.)</p>
<p style="text-align: right;">Page 55</p> <p>1 Department, about what was going on out here. 2 If he's lied to by the Department of Energy, 3 how can the public rely upon the Department of 4 Energy to be truthful in anything? 5 Right now there is an investigation going on 6 by -- by -- actually three different 7 investigations; one is already complete -- by U.C. 8 One is the SEAB, which Marylia really mentioned -- 9 alluded to which is a very interesting process, and 10 the other is by the General Accounting Office. 11 And I know that for the press here today, I 12 just want them, as well as the public, to know that 13 in the spring of 2000, approximately around there, 14 there will be at least testimony in a hearing and 15 perhaps a report by the GAO on the problems with 16 NIF being very much over budget and having major 17 technical problems driving the over-budget problem 18 as well as being behind schedule. 19 If DOE calls NIF its flagship project for 20 the SSP, somehow I just want to end on a rather 21 jovial note, perhaps. Some of us are beginning to 22 think that maybe the flagship should be called the 23 Titanic. I think it's sinking into its own pit 24 along with its capacitors and bones of ancient 25 animals and whatever else they find out there.</p>	<p style="text-align: right;">Page 57</p> <p>1 may happen at somewhat different times, but there's 2 been no expectation of change. If there is, we 3 would certainly revisit the analysis. 4 And finally, just one last thing: The 5 rebaseline document is a draft. It is something -- 6 it will be a departmental document. And what we 7 have is a draft that we requested from the Lab 8 which we are modifying. And so when we have 9 finished developing a rebaseline plan, it should 10 become a public document. 11 MS. KELLEY: My point is that you asked -- 12 you ideally asked the Lab reporting to submit this 13 rebaselining to you. So it is final as the Lab's 14 proposals to you. It is not final as your report. 15 That proposal that the Lab submitted to you 16 on their letterhead, not on DOE letterhead, is what 17 should be released as their document. Then when 18 DOE does finalize its report, then that should also 19 be released. That's my point. 20 MR. CRANDALL: It's a fine point. It's a 21 draft. We asked them for a draft, so we still 22 consider it to be a draft. But I'll do whatever is 23 expected. 24 MR. BROWN: Okay. I think he understands 25 that the document is a draft.</p>

<p style="text-align: right;">Page 58</p> <p>1 I might suggest that I'd prefer to have just 2 comments here. If we begin engaging in dialogue -- 3 we're already, I think, running up against our 4 evening meeting. So it seems like everybody here 5 knows each other. And if it may be after this 6 session you could engage in some of that dialogue 7 then, why don't -- I want to make sure that 8 everybody has a chance to get their comments on the 9 record. 10 Our next signed-up person is Don Larkin. 11 MR. LARKIN: Hi. I'm Don Larkin from Santa 12 Cruz, and I am going to rehash old issues because I 13 think it's appropriate to rehash them. Times have 14 changed; conditions are different. And the 15 statement you -- the draft -- the process we're 16 engaged in right now, as I understand it, has to do 17 with whether the environmental risks are worth -- 18 worth it. 19 One of the options is a no-action 20 alternative. There's two no-action alternatives. 21 One of the no-action alternatives is to stop 22 construction of NIF. And this seems to be a 23 balancing act between the purpose of the project 24 and the risks associated with the project. 25 So I would like to examine what this -- this</p>	<p style="text-align: right;">Page 60</p> <p>1 weapons stockpile." 2 Going on, 3 "As a multi-purpose inertial 4 confinement fusion facility, the 5 NIF will also be used, important to 6 national energy, that is as a 7 critical step in scientific 8 evaluation of inertial fusion 9 energy as a future 10 environmentally-attractive energy 11 source." 12 It goes on. It says -- it mentions other 13 things as well. 14 I went back -- so now what's being presented 15 as part of Stockpile Stewardship and Management 16 needed to ensure the reliability of our stockpile, 17 there's no mention here explicitly of weapons 18 design function. 19 I went back and looked at old documents, 20 including the institutional plan for Livermore Labs 21 six years ago, December 1993. It has an item there 22 for fiscal year 1996 called the National Ignition 23 Facility estimating only \$677 million. 24 But here's what it says the mission are -- 25 there's three mission points.</p>	<p style="text-align: right;">Page 61</p> <p style="text-align: center;">3-29 (cont.)</p>
<p style="text-align: right;">Page 59</p> <p>1 document says in terms of the purposes of the 2 project. And I know you've done this before, but I 3 think you need to do it again because, as I read 4 the statement in the document -- and I'll read it 5 here. 6 "The purpose and need for the NIF 7 is explained previously and 8 summarized here. The NIF will 9 provide a unique capability as a 10 key component of DOE's 11 science-based stewardship of the 12 nation's nuclear weapons stockpile. 13 Planned experiments with NIF at 14 temperatures and pressures near 15 those that occur in nuclear weapons 16 detonations will provide data 17 needed to verify certain aspects of 18 sophisticated computer models." 19 I'll stop there and say that those models 20 are the models used to do virtual design of nuclear 21 weapons. This statement here doesn't say that. 22 "As explained in the SSM PEIS, 23 those models are needed to simulate 24 weapons physics thereby providing 25 insights on the reliability of the</p>	<p style="text-align: right;">Page 61</p> <p>1 "The mission of the National 2 Inertial Confinement Fusion Program 3 is three-fold: One, to play an 4 essential role in accessing physics 5 regimes of interest in nuclear 6 weapons design and provide nuclear 7 weapons-related physics data, 8 particularly in the area of 9 secondary design. 10 "Two, to provide an above-ground 11 simulation capability for nuclear 12 weapons effects on strategic, 13 tactical, and space assets, 14 including sensors in command and 15 control. And, three, to develop 16 inertial fusion energy for civilian 17 power production." 18 I understand why you've, sort of, dropped 19 nuclear weapons design out of your PR and your 20 public statements, but I think it's dishonest of 21 you to do so. 22 Clearly, this -- this facility, from the 23 beginning, was intended to provide experimental 24 data to plug into computer models and where those 25 models -- to refine those models to the point where</p>	<p style="text-align: center;">3-29</p>

<p style="text-align: right;">Page 62</p> <p>1 they could be used to do design of new types of 2 weapons and new types of weapons and putting this 3 to stockpile. 4 But in public discourse about this, people 5 always bring up the third item on that list; that 6 is, the energy-related item. Even good reports in 7 the Sunday Mercury News say that the -- refer to 8 this as a facility that's going to be -- help us 9 get to nuclear energy. But it's not. 10 The only reason it's being built is because 11 of nuclear weapons reasons. We've never had a 12 national debate on whether we needed to develop 13 fusion energy. We've never compared that to solar 14 and wind energy. 15 It's admitted that this is not a prototype 16 at all for a nuclear energy facility, and people in 17 the labs have told me that it's at least 50 years 18 away before we even know what to do with it. This 19 is sort of like on spec. Maybe we're going to have 20 fusion energy. 21 If there was that debate, if this was really 22 for fusion energy, Congress might not provide you 23 the funds. The only reason you're getting the 24 funds is because this is a nuclear weapons design 25 facility.</p> <p style="text-align: right;">3-29 (cont.)</p>		<p style="text-align: right;">Page 64</p> <p>1 think, in 1994. 2 At that time, the conclusion was -- it was 3 an optimistic conclusion and without any evidence. 4 It said that NIF would support the 5 non-proliferation of nuclear weapons. Why? 6 Because it supported the Comprehensive Test Ban 7 Treaty. It enabled us to continue developing 8 weapons with the Comprehensive Test Ban Treaty 9 where other nations would be forestalled from that 10 purpose. 11 And because the Comprehensive Test Ban 12 Treaty supported non-proliferation, then, by 13 inference, NIF had to support non-proliferation 14 because NIF made it possible for us to enter into a 15 comprehensive test ban treaty. That was the logic. 16 Well, here we are today. First of all, we 17 have India and Pakistan who have developed nuclear 18 weapons in that period of time; both countries 19 pointing to the United States as continue to 20 develop investment in nuclear weapons research and 21 design, projects like NIF, as a reason why they 22 would go ahead and do their own nuclear weapons 23 programs; that is, if it's good enough for us, it's 24 good enough for them as well. 25 MR. BROWN: Two minutes remaining.</p> <p style="text-align: right;">3-30 (cont.)</p>	
<p style="text-align: right;">Page 63</p> <p>1 And I think, then, you need to evaluate the 2 environmental risks against that purpose, not just 3 the purpose you have stated here in your document. 4 So I wanted to make a couple comments about 5 that purpose. As in my earlier question about the 6 reliability issue, often the discussion shifts to, 7 "Oh, yes, this is just" -- the answer comes back as 8 a, "This is a pure research design; we're doing 9 pure research." 10 Now, I have to say that I support nuclear 11 physics research on the cutting edge. But I would 12 support it in a regime where we knew we had 13 abolition of nuclear weapons; we knew what the 14 products of that research were going to be. 15 So it's not enough to say, "Yes, this is" -- 16 when you come to the practical purposes to shift 17 back and say, "Oh, yes, basic research." We have 18 to look at the practical purposes. And is this the 19 appropriate thing to do now for these purposes 20 given the risks? And I would say "no." 21 I would like to raise one -- one other issue 22 in this regard. A number of years ago, there was a 23 special study done about the proliferation risks 24 from NIF. And at that -- that was, I think, in 25 1995 the report came out. The hearings were, I</p> <p style="text-align: right;">3-30</p>		<p style="text-align: right;">Page 65</p> <p>1 MR. LARKIN: Thanks. 2 We've had the leaks. We've had the stories 3 about secrets from the labs getting to China and 4 other places. And, in fact, those leaks will 5 continue to happen. 6 I notice that recently the security 7 safeguards have been lessened because there were 8 complaints that in this sort of pure research, 9 cutting-edge environment, you needed cooperation 10 from people around the world. 11 And, in fact, I have a story here from the 12 1994 San Francisco Examiner which says that at that 13 time, Livermore Lasers Program alone now interacts 14 with, quote, unquote, several hundred Russians at 15 25 to 30 institutions in Russia. 16 This kind of project necessarily involves 17 people from all over the world. And it -- just 18 logically looking at it, all weapons technology 19 proliferates over time. You can't name a case 20 where that's not true. You can't keep this 21 confined here. 22 So the question is: Why do it, if you know 23 you're funding and developing the nuclear weapons 24 that will be in other people's hands in the 25 not-too-distant future?</p>	

<p style="text-align: right;">Page 70</p> <p>1 MR. NESBITT: They would not -- we would not 2 have bombed Yugoslavia. Why shouldn't India and 3 Pakistan develop their own nuclear weapons as long 4 as we insist to continue this mad rush of insanity 5 to suicide, which is what it is? 6 Another point which I wish to make based on 7 my experience, and that is that once a certain 8 technology is developed, it is much less expensive 9 to duplicate it. And whether it is stolen through 10 spying or whether it is in public domain or whether 11 it's just the fact that you know someone else has 12 already done something, then you have the 13 confidence to go ahead and do it yourself. 14 And if we aren't stupid enough -- if we 15 would not develop this, then no other country, I 16 think, would be dumb enough to try to duplicate it. 17 Another thing which hasn't been mentioned 18 here, and certainly it doesn't -- isn't included in 19 any official DOE weapons labs documents, and that 20 is that the real possible benefit of the research 21 that would be done on the NIF would be in aiding 22 the ability of designers to design pure fusion 23 weapons. 24 We know that this work has been going on for 25 many years. I don't know any of the details. I do</p> <p style="text-align: right;">3-35 (cont.)</p> <p style="text-align: right;">3-36</p>	<p style="text-align: right;">Page 72</p> <p>1 good-quality engineering and perhaps a few less 2 physicists. 3 So I would say that what I would recommend 4 certainly would be that the no construction -- to 5 halt construction while a debate goes on, and I 6 would hope that it would mean a cessation in the 7 entire program. 8 Thank you. 9 MR. BROWN: Thank you. 10 Rene Steinhaven (sic)? 11 THE REPORTER: Can I just ask you to wait 12 one second while I change my paper? 13 MR. STEINHAUER: Yes, that's all right. 14 Just by way of short introduction, my name 15 is Rene Steinhauer, and I'm with Tri-Valley CAREs. 16 And I'm the community organizer for that 17 organization. 18 And it's hard enough to talk with the 19 objectives that we try to bring here to a panel 20 such as yourselves, but when one of you is missing, 21 I'm really not interested in talking to you. 22 So I'm going to defer for now until that 23 gentleman comes back and takes his place at the 24 seat, or maybe we could all have a short break to 25 go drink water or go to the bathroom.</p> <p style="text-align: right;">3-38 (cont.)</p> <p style="text-align: right;">3-39</p>
<p style="text-align: right;">Page 71</p> <p>1 know people that do, but I don't know them. And 2 this is one place where the NIF would be useful. 3 The third point is then a question: Is the 4 NIF useful in any way for trying to ensure the 5 safety, reliability of the existing stockpile? And 6 I say that the technical information that's 7 available clearly comes down on the side that it 8 has essentially no utilization. 9 I will mention Ray Kidder. I think everyone 10 in this room knows who Ray Kidder is. He certainly 11 feels that it doesn't. And many, many other 12 experts that are not directly, or at least no 13 longer, employed by the weapons labs feel the same. 14 Another thing that I will mention that the 15 NIF, if it has any value, only deals with the 16 fusion end, the secondaries. The secondaries, the 17 designs are well-known; they're well-documented; 18 they've been very, very reliable; there have been 19 very, very few problems with them. There is a 20 technical report out at Sandia which details all 21 these. 22 Then, I would say that what is needed to 23 maintain the safety and reliability of the existing 24 stockpile, while awaiting dismantling as our 25 treaties certainly demand that we should, is</p> <p style="text-align: right;">3-37</p> <p style="text-align: right;">3-38</p>	<p style="text-align: right;">Page 73</p> <p>1 Thank you. 2 MR. SCOTT: I'm sorry, Mr. Steinhauer. He 3 has a young child he has to pick up. He just had 4 to go for that. 5 MR. CRANDALL: And -- and Richard is his 6 direct representative, so -- 7 MR. STEINHAUER: We think it's still 8 covered, but -- your choice. 9 MR. SCOTT: I'm the DOE document manager. 10 Please go ahead. 11 MR. STEINHAUER: There will doubtlessly be 12 conversations among the four of you as to some of 13 the material that you hear here -- two different 14 spellings. 15 MR. FERGUSON: Everything -- everything you 16 put on the record, sir, will be available to 17 Mr. Samuelson, like it will everyone else. So... 18 MR. STEINHAUER: Well, I'm familiar with 19 reading some of those records and how much 20 attention people pay to the written record as 21 opposed to what they hear. But I will proceed 22 then, knowing that he's not going to come back at 23 all tonight. Is that right? 24 MR. SCOTT: I'm not sure. If he finds 25 someone, he'll try to come back for the later</p>

<p style="text-align: right;">Page 74</p> <p>1 session, I believe. 2 MR. STEINHAEUER: All right. 3 Well, first of all, I would like to start 4 out by saying that although you've learned that I'm 5 with Tri-Valley CAREs, it's clear we didn't 6 coordinate our activities in here or plan things 7 because practically who has gone before me has 8 stolen most of the thunder that I would like to 9 have presented here tonight. And that's good, and 10 that's well, and that's fine because that gives me 11 time for some other things. 12 But one of the things that I would like to 13 go to is, again, from this -- from this original 14 report here. And it's in section 1-7 -- it's page 15 1-7, and it's section 1.4. And I'd just like to 16 read one paragraph from you in connection with this 17 when this was being considered. 18 "DOE received one set of comments 19 from the U.S. Environmental 20 Protection Agency, EPA, on the 21 September 25, 1998, anointing. The 22 EPA commented that the SEIS" -- 23 there are so many acronyms here -- 24 "a scope should include seismic 25 potential, environmental hazards of</p> <p style="text-align: right;">3-40</p>	<p style="text-align: right;">Page 76</p> <p>1 analysis and conclusion contained 2 in the SSM PEIS and the NIF PSIA 3 contained therein regarding the 4 environmental impacts and the 5 constructing and operating of NIF." 6 And, again, I think most of what you have 7 heard tonight has been from people who are 8 concerned and, as I said before when I raised the 9 question earlier, that have deliberately tried to 10 narrow the scope so that you don't have to get into 11 that muddy water of what the issues are about. 12 But I think one of the questions that you're 13 going to have to deal with is, and one of the 14 realities that you're going to have to deal with 15 is, that you're not fooling anybody. There are 16 serious problems out there. 17 There are problems of contamination, both 18 radiological and chemical -- other toxic materials. 19 There are problems about actual -- I mean, 20 cover-up. There are questions about covering up 21 these immense cost overruns. There are questions 22 about lying about where the stage of the operation 23 is at in regard to the development -- you're a 24 couple of years behind, and you're hundreds of 25 millions of dollars over cost.</p> <p style="text-align: right;">3-40 (cont.)</p> <p style="text-align: right;">3-41</p> <p style="text-align: right;">3-42</p>
<p style="text-align: right;">Page 75</p> <p>1 operating NIF that were not 2 identified in the Joint Stipulation 3 and Order, waste streams and waste 4 management from operations, and 5 permitting and regulatory approval. 6 DOE has considered these comments 7 and has addressed them in a manner 8 consistent with the scope of the 9 SEIS, i.e., whether they bear on 10 the question of contamination by 11 hazardous, toxic, or radioactive 12 materials in the area of NIF. 13 "However, DOE does not believe that 14 it is appropriate to expand the 15 scope beyond that established by 16 the Joint Stipulation Order. DOE 17 agreed to conduct the 18 characterization activities 19 described above and to prepare the 20 SEIS in response to the discovery 21 of the buried capacitors during the 22 construction of NIF. 23 "No other site -- no other new 24 information has been developed that 25 would call into question the</p>	<p style="text-align: right;">Page 77</p> <p>1 Now, this is related to other issues that 2 have come before the national attention lately 3 about all this business about espionage and whether 4 some Chinese person is really the culprit for all 5 that has happened. 6 I want you to understand that when things 7 like this go on and one operation is so greedy and 8 is so involved in garnering all the money and 9 keeping in its kind of bystands (sic), all those 10 people that were cut off from the AVLIS project and 11 others, and all that money is being sucked up. 12 And that money is coming out of other 13 scientific projects that are going on at the Lab 14 and other labs that it's no wonder that other 15 well-intentioned scientists -- and they're not 16 traitors; they're not agents of China or Russia or 17 North Korea -- get a little pissed off at this 18 business. And they come to us, and they tell us 19 about these things that are going on. 20 When you continue to support an operation 21 like this that is clearly lying about its present 22 status -- and other people have mentioned about 23 that June ceremony where all those grandiose 24 statements were made -- and they're clearly lying 25 about it, that you're going to have a lot of other</p> <p style="text-align: right;">3-43</p>

<p>1 problems coming forward with this thing. 2 That's why there are so many other people, 3 organizations, agencies looking into this matter. 4 That's why I raised the question earlier about 5 integrity because you're here, and you're trying to 6 keep this to that narrow horse blinder view, the 7 business about the toxics at that site. 8 And if you're not prepared to deal with it 9 now, that's going to come back and lay around your 10 necks because you're the persons that were here at 11 this point. 12 Now, a lot of the people here are out of the 13 peace and freedom and justice organizations, and 14 I'm reluctant sometimes to use military metaphors, 15 but you're the guys who are here holding the line. 16 You're the ones that are here to hold that bridge. 17 And that's the way it is. 18 Either you're here to hold that bridge, and 19 you've got to decide: Which side are you holding 20 the bridge for? Are you holding the bridge for all 21 those people that want to cover up and go on and 22 keep bleeding the nation's economy with this money, 23 or are you here to hold the bridge for the 24 citizens? 25 And I don't know who's paying your money. I</p>	<p>Page 78</p> <p>3-43 (cont.)</p>	<p>1 me, are you going to have the balls to go forward 2 with the thing that needs to be done, or are you 3 going to go on being bureaucrats in just carrying 4 the company line? 5 That's the issue that concerns me; it's the 6 issue that has always concerned me; it's why I'm 7 here. And you, gentlemen, will have to go home 8 tonight and look at yourselves in the mirror. 9 Thank you. 10 MR. BROWN: We've had a few additional 11 people sign up, and I think we're going to be 12 running close to our limit to the start of the next 13 meeting, so I'll just make note of that as I call 14 each person up. 15 So our next speaker is Janis Turner. 16 (No response.) 17 MR. BROWN: All right. I'll come back to 18 names I call who aren't here. 19 Cindy Pile? Hi. 20 MS. PILE: Hi. I'm Cindy Pile. I'm the 21 director of the Nevada Desert Experience, which is 22 a faith-based organization working to end nuclear 23 weapons testing. And I'm used to being in a 24 pulpit, but I don't think this is very different 25 because I want to continue in this vein that our</p>	<p>Page 80</p> <p>3-43 (cont.)</p> <p>3-44</p>
<p>1 mean, I've always thought that we, the taxpayers, 2 paid your money because you go to the same trough 3 everybody else does. But maybe somebody else is 4 paying money here, somebody that Eisenhower, you 5 know, referred to ages ago about the 6 military-industrial complex. Who is paying you? 7 And you're the guys that are holding the 8 bridge, but I don't know which side you're holding 9 it for. And that is a matter of integrity. That's 10 the question I raised earlier. 11 So, I mean, you can sit here and narrowly 12 define the views that you have about dealing with 13 these other toxics, like the PCBs in that area, or 14 you can really get on with the issues that this 15 thing is all about and how effective -- and there's 16 no need for me to go into it because other people 17 have already gone into this business -- all of the 18 issues related to the effectiveness of the NIF 19 project and where it's going, what it's doing to 20 both the Comprehensive Test Ban Treaty, the ABM, 21 and all the others. 22 And to go forward with this thing only puts 23 the world at greater risk. So these are the issues 24 I'm talking about when I mention "integrity." Are 25 you really going to stand up, and if you'll forgive</p>	<p>Page 79</p>	<p>1 definition of "environment" in these statements is 2 so narrow. 3 We really don't deal with the moral and the 4 spiritual implications, and so I just want to touch 5 on that, noting the time, very briefly. 6 First of all, I think we need to be very 7 honest about what we're doing here. We use all 8 these euphemisms. I haven't even heard the word 9 "death." And we need to be clear that what we're 10 doing is building a facility that develops weapons 11 of death. We don't hang bombs on our Christmas 12 trees. We don't give our children bombs to play 13 with. We kill people with bombs. 14 And, of course, the usual argument is that, 15 "Well, we're building these bombs so that other 16 people aren't going to attack us, and so these are 17 weapons of peace, in fact." But their very 18 existence means death for a lot of people that I've 19 lived with and I've worked with, homeless people 20 who are impoverished because we're spending all of 21 our time stockpiling these weapons. 22 And I think that these weapons kill not only 23 the body but our soul and that what we're doing is 24 sinful. I don't believe, no matter by what name we 25 call upon God, that this is what our God is asking</p>	<p>Page 81</p> <p>3-45</p>

<p>1 of us. And I'd ask us, all these words I hear 2 here, to just stop and to ask what it is we're 3 really doing. Is this really the legacy that we 4 want to hand on to our world, to our children, to 5 our God? I hope not. 6 And I think we'll be further inspired in our 7 reflection if maybe we just look at each other for 8 once? We're all looking up here. If we look, gaze 9 deeply into the eyes of one another and we see that 10 we are sisters and brothers, sisters and brothers 11 also with the people who walk the streets, the 12 people in India, Pakistan, China, Russia, and that 13 we are one body and that we are going to be killing 14 this one body. 15 I think the beauty of this body, though, is 16 that we've all been given these different gifts -- 17 some of you as administrators, scientists, peace 18 activists out here -- and we're called to use these 19 gifts really wisely. 20 And we're also called to deal with this 21 violence because all of us -- and I include myself; 22 all of us include ourselves -- have helped unleash 23 this violence. And it might be just by giving 24 orders to test bombs; it might be in delivering 25 food to the cafeteria here, paying taxes to build</p>	<p>Page 82</p> <p>3-45 (cont.)</p>	<p>Page 84</p> <p>1 San Francisco Bay Area chapter. 2 PSR is a nationwide organization of over 3 20,000 physicians who have a long history of 4 opposing nuclear weapons. And I, too, believe that 5 the scope of this hearing is too narrow, and so I'd 6 like to open it up and talk about the bigger 7 picture which is -- which I'll exemplify that with 8 a few facts. 9 The first: That the Stockpile Stewardship 10 has a budget of \$60 billion over 13 years. And 11 this is to modernize nuclear weapons, basically. 12 And this money is more -- this is more money per 13 year than the U.S. spent on nuclear weapons during 14 the Cold War. 15 And the second point and, actually, I really 16 question why we're putting more money into projects 17 such as this, such as NIF, that serve to escalate 18 proliferation when hundreds of billions of dollars 19 are needed to spend on cleaning up the mess that 20 we've made already, such as plants at Hanford. 21 And when I say "cleanup," I have serious 22 doubts about the adequacy of a cleanup when there 23 are persistent chemicals -- excuse me -- persistent 24 toxic products such as plutonium that are difficult 25 to clean up.</p> <p>3-48</p> <p>3-49</p> <p>3-50</p> <p>3-51</p>
<p>1 these bombs. It doesn't matter. We've all 2 contributed. 3 And I think we can put these gifts to better 4 use than constructing this National Ignition 5 Facility. 6 So, I guess, in the season of justice and 7 peace, the season of light a lot of us are 8 celebrating with Advent and Hanukkah, my prayer and 9 my hope is that we open ourselves up a little bit 10 more here. Let's open ourselves up to dream some 11 dreams we don't usually dream and to do things we 12 don't usually do, maybe think about not 13 constructing this National Ignition Facility. 14 It's the start of a new millennium; it's the 15 time of a new birth, and I hope that we can really 16 work to build something that so many think is this 17 utopian dream. It's not. It's right before us. 18 It's within our grasp. It's a world of justice and 19 peace. 20 So thank you. 21 MR. BROWN: Thank you. 22 Tal Simchoni? 23 MR. SIMCHONI: Hi. My name is Tal Simchoni. 24 I'm with Physicians for Social Responsibility. I'm 25 the project coordinator for PSR. This is for the</p>	<p>Page 83</p> <p>3-46</p> <p>3-47</p>	<p>Page 85</p> <p>1 And, furthering the bigger picture, I think 2 it's important to -- if the United States is 3 committed to non-proliferation and peace, to not 4 support projects such as NIF and to urge you -- to 5 encourage you that you have the power to have a say 6 in a decision in this matter, in NIF, and that we 7 need to go towards de-escalation and getting rid of 8 these weapons, abolition versus furthering the 9 military-industrial complex. 10 Thank you. 11 MR. BROWN: Thanks very much. 12 Ann Beier? 13 MS. BEIER: My name is Ann Beier, and I'm 14 with Western States Legal Foundation. 15 And as outlined in the draft Supplemental 16 EIS, I am in support of the no-action alternative 17 which would cancel the NIF project, ceasing 18 construction, and making the site usable for 19 another purpose. 20 I support this alternative for the following 21 reasons: The cost overruns have not yet been 22 completely ascertained with any degree of 23 certainty. Because the heart of the National 24 Environmental Policy Act is alternatives analysis 25 which provides decisionmakers and the public</p> <p>3-52</p> <p>3-53</p>

<p style="text-align: right;">Page 86</p> <p>1 information about impacts of the proposed action in 2 order to allow the project's purported benefits to 3 be balanced against the potential for harms, I 4 believe the NIF project cannot proceed until there 5 is full disclosure analyzing the cost. 6 In the recent testimony of Sandia Director 7 Robinson on the ratification of the Comprehensive 8 Test Ban Treaty, he indicated more money may be 9 necessary for the Stockpile Stewardship and 10 Management Program, of which NIF is central. 11 Secondly, the environmental analysis and 12 information provided is inadequate and much too 13 narrow in scope. 14 Although the questions were raised earlier 15 by Jackie Cabasso, I would still like to reiterate 16 about plans to use plutonium, uranium, and lithium 17 hydride in future experiments. Should these be -- 18 these should be analyzed in a draft SEIS, and, for 19 example, accident scenarios to workers in the 20 surrounding community in handling lithium hydride. 21 The overall scope of the draft SEIS should 22 be broadened. Although the draft states the scope 23 only covers what is mandated in the Joint 24 Stipulation and Order, there are reasons to broaden 25 the scope to include the proliferation impacts and</p> <p style="text-align: right;">3-53 (cont.) 3-54 3-55 3-56 3-57</p>	<p style="text-align: right;">Page 88</p> <p>1 MR. BROWN: All right. 2 MS. CABASSO: My name, again, is Jackie 3 Cabasso. I'm the executive director of the Western 4 States Legal Foundation. And I'm going to take my 5 ten minutes here to try to reframe the issues. 6 My basic premise, I guess, is that the scope 7 of this Supplemental Environmental Impact Statement 8 is too narrow. So I want to start with a quote. 9 "The working definition of an 10 expert is a person who can solve a 11 problem faster or better than 12 others, but who runs a higher risk 13 than others of posing the wrong 14 problem. By virtue of his or her 15 expert methods, the problem is 16 redefined to suit the methods." 17 That's a quote from Charles Perrow from a 18 book called Normal Accidents: Living with High Risk 19 Technologies. 20 So I'd like to start by basically reframing 21 the questions with another quote. 22 Could I have the first viewgraph, please? 23 This is a statement that the mayor of 24 Hiroshima made to the International Court of 25 Justice in the Hague in 1995 when they were</p> <p style="text-align: right;">3-59</p>
<p style="text-align: right;">Page 87</p> <p>1 the enormous environmental costs associated with 2 the proliferation of nuclear weapons technology and 3 knowledge. 4 For example, we are currently cooperating 5 with both the French and the British on inertial 6 confinement fusion. There is a need for more 7 analysis on proposed design changes, as discussed 8 by the recently-formed SEAB. 9 And last, other -- other environmental 10 issues which should be analyzed are the monetary 11 costs of decommissioning and decontaminating NIF, 12 and where will the waste generated by NIF be 13 transported, treated, stored, and disposed of? 14 MR. BROWN: Okay. Thank you. 15 Jackie Cabasso? 16 MS. CABASSO: Thank you. I'm going to use 17 some viewgraphs, and I'm going to ask Ann to assist 18 me. 19 UNIDENTIFIED SPEAKER: Jackie, you've gone 20 over to the other side. 21 MS. CABASSO: Just wait till you see the 22 viewgraphs. 23 MR. BROWN: Is this a first? 24 MS. CABASSO: No, it isn't. I occasionally 25 use them.</p> <p style="text-align: right;">3-58</p>	<p style="text-align: right;">Page 89</p> <p>1 considering whether the threat or use of nuclear 2 weapons is legal under international law. 3 "History is written by the victors. 4 Thus, the heinous massacre that was 5 Hiroshima has been handed down to 6 us as a perfectly justifiable act 7 of war. As a result, for over 50 8 years we have never directly 9 confronted the full implications of 10 this terrifying act for the future 11 of the human race." 12 So I'd like to now go on to what some of 13 those implications are. 14 Could I have the next one, please? 15 This is a statement that was made in 16 September by the U.S. negotiator to the 17 Comprehensive Test Ban Treaty, Steven Ledogar, at 18 an event I attended in New York. He said, 19 "The basic fact is, this effort, 20 the CTBT, represents a treaty whose 21 time has come. This idea's time 22 came when technology reached the 23 state that the United States began 24 to have confidence it could 25 maintain its nuclear weapons</p> <p style="text-align: right;">3-60</p>

<p style="text-align: right;">Page 90</p> <p>1 stockpile safely and reliably 2 without explosive underground 3 testing... We believe that we are 4 trying to ban the bang, not the 5 bomb." 6 Unfortunately, most of us and most countries 7 in the world thought the CTB was about banning the 8 bang and the bomb. 9 So, next one? 10 Here, of course, is some of that technology 11 he was talking about. Some of you will recognize 12 this. It is, of course, the NIF target chamber, 13 which, I think, Mike Campbell aptly described as 14 the Death Star from Star Wars at the groundbreaking 15 ceremony which I was the sole representative of the 16 regular people in attendance. 17 The purpose of the National Ignition 18 Facility is usually described in terms of 19 maintaining the safety and reliability of the 20 enduring stockpile. 21 Can I have the next slide? 22 Now, this is one of the viewgraphs that was 23 presented to the first meeting of the Secretary of 24 Energy Advisory Board here on November 15th. And 25 it's entitled, "21st Century Science Based</p> <p style="text-align: right;">3-60 (cont.)</p> <p style="text-align: right;">3-61</p>	<p style="text-align: right;">Page 92</p> <p>1 aggression and coercion, as 2 reaffirmed in a Presidential 3 Decision Directive signed by 4 President Clinton in November 1997. 5 Nuclear weapons serve as a hedge 6 against an uncertain future, a 7 guarantee of our security 8 commitments to allies and a 9 disincentive to those who would 10 contemplate developing or otherwise 11 acquiring their own nuclear 12 weapons.... The United States must 13 continue to maintain a robust triad 14 of strategic forces sufficient to 15 deter any hostile foreign 16 leadership with access to nuclear 17 forces and to convince it that 18 seeking a nuclear advantage would 19 be futile. We must also ensure the 20 continued viability of the 21 infrastructure that supports U.S. 22 nuclear forces and weapons. The 23 Stockpile Stewardship Program will 24 guarantee the safety and 25 reliability of our nuclear weapons</p> <p style="text-align: right;">3-63 (cont.)</p>
<p style="text-align: right;">Page 91</p> <p>1 Stockpile Stewardship." "Safe and reliable 2 stockpile without underground testing; 3 comprehensive program from concepts and 4 certification to products." 5 And it includes many, many things -- the 6 whole Stockpile Stewardship system, modeling, 7 simulation, experimentation, development and 8 certification, and science-based manufacturing. 9 So I was most intrigued when -- next slide, 10 please -- Gilbert Weigand, the Deputy Assistant 11 Secretary for Research, Development and Simulation 12 for U.S. Department of Energy Defense Programs 13 described that slide as, "This is how we maintain 14 our nuclear weapons superpower status," which I 15 think is the first honest description of Stockpile 16 Stewardship that I've ever heard from a U.S. 17 official. 18 Now, what is the role of Stockpile 19 Stewardship in U.S. national security policy? 20 Quote, 21 "Our nuclear deterrent posture is 22 one of the most visible and 23 important examples of how U.S. 24 military capabilities can be 25 effectively used to deter</p> <p style="text-align: right;">3-62</p> <p style="text-align: right;">3-63</p>	<p style="text-align: right;">Page 93</p> <p>1 under the Comprehensive Test Ban 2 Treaty." 3 And this is a quote from A National Security 4 Strategy For a New Century, which was issued by the 5 White House in October of 1998. 6 Now, let's see what another country has to 7 say about the CTBT. 8 "We have always believed that the 9 objective of a CTBT was to bring 10 about an end to nuclear weapons 11 development. We are all aware that 12 nuclear explosion technology is 13 only one of the technologies 14 available to the nuclear-weapon 15 States. Technologies relating to 16 subcritical testing, advanced 17 computer simulation using extensive 18 data relating to previous explosive 19 testing, and weapon-related 20 applications of laser ignition will 21 lead to fourth generation nuclear 22 weapons even with a ban on 23 explosive testing. It is a fact 24 that weapons-related research and 25 development in these technologies</p> <p style="text-align: right;">3-64</p>

<p style="text-align: right;">Page 94</p> <p>1 is being promoted. Our objective 2 therefore was a truly comprehensive 3 test-ban treaty, rather than merely a 4 nuclear-test-explosion-ban-treaty. 5 For many years, we had been told 6 that a CTBT was not possible 7 because testing was required for 8 the safety and reliability of 9 existing nuclear weapons. We 10 questioned it then and now we know 11 that we were right. Today, 12 underground explosion technology 13 has the same relevance to halting 14 development of new nuclear weapons 15 by the nuclear-weapon States as 16 banning atmospheric tests did in 17 1963." 18 That was India. 19 Now, could I have the next slide? 20 This may seem like a non sequitur, but it 21 isn't because I'm going to tie it all in. 22 This is the Wingspread statement on the 23 precautionary principle. And I'm just going to 24 tell you what it is; I'm just going to sum it up. 25 I don't know if you can -- it doesn't look like</p> <p style="text-align: center;">3-64 (cont.)</p>		<p style="text-align: right;">Page 96</p> <p>1 presentation. 2 Now, what if India adopts the same method of 3 ensuring its national security as the United States 4 has? Why shouldn't they? In fact, it does seem, 5 unfortunately, that they are moving in that 6 direction. And what if their neighbor Pakistan 7 feels the need to ensure its national security 8 against India the same way? 9 Could I have the next slide, please? 10 MR. BROWN: Two minutes. 11 MS. CABASSO: Okay. 12 This is the cover of a report written by a 13 friend of mine for IPPNW, International Physicians 14 for the Prevention of Nuclear War. It's called 15 Bombing Bombay? Effects of Nuclear Weapons and a 16 Case Study of a Hypothetical Explosion. 17 "Based on the available population 18 data, the historical experiences of 19 Hiroshima and Nagasaki and 20 different physical models, we have 21 estimated short-term casualties 22 from a hypothetical explosion over 23 Bombay. For a 15 kiloton 24 explosion, the number of deaths 25 would range between 160,000 and</p> <p style="text-align: center;">3-65 (cont.)</p>	
<p style="text-align: right;">Page 95</p> <p>1 it's quite in focus there. 2 What is the precautionary principle? This 3 is a comprehensive definition that was spelled out 4 at a major meeting in January 1998 of scientists, 5 lawyers, policymakers, and environmentalists. 6 And basically, its sum says, 7 "When an activity raises threats 8 of harm to the environment or human 9 health, precautionary measures 10 should be taken even if some cause 11 and effect relationships are not 12 fully established scientifically. 13 "Key elements of the principle 14 include taking precaution in the 15 face of scientific uncertainty, 16 exploring alternatives to possibly 17 harmful actions, placing the burden 18 of proof on proponents of an 19 activity rather than on victims or 20 potential victims of the activity, 21 and using democratic processes to 22 carry out and enforce the 23 principle -- including the public 24 right to informed consent." 25 And it's in that spirit that I'm making that</p> <p style="text-align: center;">3-65</p>		<p style="text-align: right;">Page 97</p> <p>1 866,000. A 150 kiloton weapon 2 could cause somewhere between 3 736,000 and 8,660,000 deaths. In 4 addition, there would be several 5 hundreds of thousands of people who 6 would suffer from injuries or 7 burns. Many of them may die 8 without prompt medical aid, which 9 is quite unlikely. These estimates 10 are conservative, and there are a 11 number of reasons to expect that 12 the actual numbers would be much 13 higher. Further, these estimates 14 do not include the long-term 15 effects like cancers that would 16 afflict thousands of people in the 17 following years or genetic 18 mutations that would affect future 19 generations. 20 "The immense scale of these 21 effects, and that too resulting 22 from just a single fission weapon 23 with a low yield, should make it 24 clear that the possible use of such 25 weapons would lead to a major</p> <p style="text-align: center;">3-66</p>	

<p>1 catastrophe. The only guarantee 2 that such a tragedy would never 3 occur is complete elimination of 4 nuclear weapons, from both the 5 region and from the world, and the 6 means to manufacture them." 7 I would suggest -- this is my concluding 8 statement -- in view of these potential 9 environmental impacts, implementation of the 10 precautionary principle is clearly indicated. The 11 NIF project should be canceled as indicated in the 12 true no-action alternative. 13 Thank you. 14 MR. BROWN: Donald King? 15 MR. KING: Good evening. I'm Donald King, 16 and I've been in Livermore since 1978; worked for 17 the Lab for four years. Not a scientist, though. 18 I was in administration. 19 And I've briefly went through the draft 20 Supplemental Environmental Impact Study -- or 21 Statement to glean out a few points that I feel I 22 would like to make. 23 Under the heading of "Lawsuit," on September 24 22nd, 1997, the Natural Resources Defense Counsel, 25 et al. -- and I believe that included my</p>	<p>Page 98</p> <p>3-66 (cont.)</p> <p>3-67</p>	<p>1 And, of course, that relates to the fact 2 that the suit resulted when excavation at the NIF 3 site uncovered capacitors containing toxic PCB oil. 4 And that was on September 3rd, 1997. The 5 capacitors and surrounding contaminated soil was 6 removed on September 12th, 1997. 7 The DOE, as a result of its cleanup, 8 concluded that contamination of PCBs in soil or 9 groundwater would be below any level of regulatory 10 concern for all alternatives. 11 And what alternatives did the DOE consider? 12 There were two: Construct the NIF at another site 13 or cancel the program entirely. 14 Well, my view: I agree with the Department 15 of Energy that now that the NIF is 80 percent 16 complete, it would not make sense to begin all over 17 again at another site. As to the other 18 alternative, cancel the project, that idea is 19 addressed in section 4.3 of the draft and 20 Supplemental Environmental Impact Statement. 21 Look there, and you find that statement -- 22 that the Department of Energy does not consider 23 ceasing NIF construction to be a reasonable -- or 24 to be reasonable. 25 The report then presents a detailed listing</p>	<p>Page 100</p> <p>3-68 (cont.)</p> <p>3-69</p>
<p>1 organization, Tri-Valley Communities Against a 2 Radioactive Environment -- brought suit against the 3 Department of Energy. 4 The NRDC, et al., contended that the DOE, 5 prior to beginning construction of the NIF, sited 6 it in an area known to be contaminated, and that 7 the DOE failed to do sufficient preliminary 8 analysis of the site to weigh the risks involved. 9 How did the NRDC, et al., arrive at that 10 conclusion? Frankly, I do not know. I've not read 11 their Complaint. 12 At any rate, we are here today because that 13 suit was brought. The court, on October 27th, 14 1997, ordered that the DOE agree to prepare a 15 supplemental to the original Environmental Impact 16 Statement. That supplemental study would address 17 the deficiencies that the court found in the 18 Department of Energy's original Environmental 19 Impact Statement. 20 Under the heading of "Restricted Scope," the 21 Department of Energy, perhaps understandably, 22 decided to fulfill their legal obligation by 23 focusing narrowly upon environmental impacts 24 related to or resulting from contamination found to 25 be present at the construction site.</p>	<p>Page 99</p> <p>3-68</p> <p>3-68 (cont.)</p>	<p>1 and analysis of ways by which the facility could be 2 modified to serve other purposes; that it's done 3 its present stated purpose as necessary to carry 4 out the Stockpile Stewardship Program. 5 And, frankly, I was a little surprised to 6 see all those alternatives, and some of them seemed 7 pretty desirable to me in hoping that we would 8 depart from the stated present purpose, which was 9 to carry out the -- the nuclear weapons program. 10 I should say that many of us have followed 11 the Department of Energy and this nation's nuclear 12 weapons policies and have questioned the need for 13 the NIF. We see it as facilitating a policy based 14 upon deterrents that goes way beyond the need to 15 assure the maintenance of a safe and secure and 16 steadily decreasing stockpile of nuclear weapons. 17 We feel that the NIF represents vividly the 18 current administration's failure to follow through 19 on its obligation, to aim at a world in which the 20 nation threaten -- no nation threatens others with 21 a nuclear option. 22 I'd like to emphasize, also, my associate 23 Rene Steinhauer mentioned the Environmental 24 Protection Agency's position, another federal 25 agency that I think has competent scientific</p>	<p>Page 101</p> <p>3-70</p> <p>3-71</p>

<p style="text-align: right;">Page 102</p> <p>1 personnel. 2 And in section 1.4 of the draft Supplemental 3 Environmental Impact Statement, that Department 4 commented that the scope should include seismic 5 potential and environmental hazards of operating 6 NIF that were not identified in the Joint 7 Stipulation Order, waste streams and waste 8 management from operations, and permitting and 9 regulatory approval. 10 The DOE rejected the EPA's comments. The 11 DOE, quote, does not believe that's appropriate, to 12 expand the scope of the -- of the statement beyond 13 that established by the Joint Stipulation Order. 14 Period. 15 Needless to say, I think the DOE is wrong 16 and the EPA is right. 17 Thank you. 18 MR. BROWN: Thanks. 19 Wes Nicholson? 20 MR. NICHOLSON: If I were to sum it all up 21 in one word, this would be it: A stop sign. But 22 guess what? I get ten minutes to talk, so -- so 23 I'm going to elaborate on that "stop." 24 There's an old saying -- I heard this on the 25 way over, and it seemed to apply, so I'm going to</p> <p style="text-align: right;">3-71</p> <p style="text-align: right;">3-72</p>	<p style="text-align: right;">Page 104</p> <p>1 today, and it's caused by activities directly 2 related to what goes on here at the Lab. 3 We also do know there's been a lot of 4 coverups through the history of DOE and coverups 5 right here at the Lab. We've already mentioned 6 that. 7 We also do know already that the DOE doesn't 8 have too good a credibility, being as they've lied 9 to Congress on numerous occasions. We also do know 10 that human error is a very real thing, a real 11 factor, and it's directly related to activities of 12 this magnitude when we're handling nuclear weapons 13 and nuclear waste. 14 So I suggest that we need to change this 15 paradigm of science where we have to do everything 16 just because, you know, we haven't proved it yet or 17 haven't -- see if we can do it, we have to do it. 18 No, we don't have to do everything. We need 19 to change that. 20 And we need to start using common-sense 21 intelligence or maybe refer to it as emotional or 22 spiritual intelligence that will start to guide 23 science a little bit more. Okay? And I don't want 24 to go into too much what that means, but let's just 25 think about it.</p> <p style="text-align: right;">3-73 (cont.)</p> <p style="text-align: right;">3-74</p> <p style="text-align: right;">3-75</p>
<p style="text-align: right;">Page 103</p> <p>1 recount it. I'll wait until you guys are ready, 2 though. Okay? 3 There's an old saying, "We can plan for 100 4 years from now, but we don't know what's going to 5 happen in the next moment." 6 When I was a young kid, I wanted to be a 7 scientist; I wanted to be an astronaut and a 8 scientist. You know, so I really can appreciate 9 and I can respect the mentality that wants to 10 prove, that needs to know, that wants to push the 11 boundaries. I respect that because I've felt it 12 myself. 13 But there's some things that we don't need 14 to know. We don't need to know how many times over 15 we can, you know, improve on a nuclear weapon. We 16 don't need to know what the outcome is going to be 17 for the people when we shoot depleted uranium bombs 18 at them. 19 We don't need to know, you know, what's 20 going to happen to the people later on that have, 21 you know, relied on drinking water that was 22 contaminated by nuclear waste. There's some things 23 that we don't have to know; we don't have to prove. 24 There's some things we already do know. 25 Radioactive illness is very prevalent in the world</p> <p style="text-align: right;">3-73</p>	<p style="text-align: right;">Page 105</p> <p>1 Emotional intelligence. What's our gut 2 reaction, you know, when we think of what a nuclear 3 bomb does? You know, what's some of our spiritual 4 intelligence tell us about this kind of technology? 5 Now, a lot of conversation here and a lot 6 goes on about the cost for the NIF. Okay? We hear 7 these phrases, "cost effective," "over budget." 8 Well, I got a little calculator here. I can add up 9 seven billion times three million or whatever, you 10 know, all these different numbers, and I can get 11 lots of fancy figures; I can revise my figures; I 12 can cheat; I can, you know, change them around to 13 suit what I want. 14 But there's one thing that this calculator 15 cannot do, and it's the same as all of your guys' 16 calculators can't do, and that is: Determine the 17 cost in human terms. The real costs. What are the 18 real costs of nuclear weapons and nuclear power? 19 I'd like to give you a couple examples of 20 the real cost. Okay? One example is a recent 21 little war in Kosovo where we bombed people with 22 depleted uranium weapons. Now, whoever got off in 23 thinking of that, I don't know. But, you know, God 24 have mercy on their soul because, you know, there 25 are people that are going to be suffering because</p> <p style="text-align: right;">3-76</p>

<p style="text-align: right;">Page 106</p> <p>1 of that years and years down the line. 2 Another -- another example of the human 3 cost: We cannot even deal with our current waste. 4 You know, we have all these problems. "Well, these 5 fuel rods are coming in; where are we going to put 6 them?" "Oh, they're safe." 7 Well, if they're so damn safe, why don't we 8 bury them, you know, in Washington or put it 9 somewhere where it will be safe? No. They end up 10 getting distributed to poor communities and 11 different places that are going to be moved around. 12 Okay? And we all know that nuclear waste directly 13 relates to radioactive illnesses. 14 Okay. So, here's something that's not 15 figured in with all your fancy, you know, money 16 things: That people are being poisoned. 17 Just the other day I heard a report from the 18 Marshall Islands. You guys ever heard now? 19 There's a new term out there. It's called "monster 20 babies." What's a monster baby? A monster baby 21 are the children that are being born in the 22 Marshall Islands, where we first started testing 23 nuclear weapons, from the generation -- the kids 24 that are being born now were -- their mothers had 25 not yet been born then when they started testing.</p> <p style="text-align: right;">3-76 (cont.)</p> <p style="text-align: right;">3-77</p> <p style="text-align: right;">3-78</p>	<p style="text-align: right;">Page 108</p> <p>1 in a state of slavery ever since we've developed 2 and used nuclear weapons. So we're going against 3 our own Universal Declaration of Human Rights when 4 we continue to develop nuclear weapons, okay, 5 because it's a type of slavery. 6 You know, that's really what it feels like 7 when you're held -- you know, when somebody else 8 has the power over you that you don't want, and the 9 power to wipe you out, basically. 10 Now, we live in a pass-your-buck kind of 11 society. Pass the buck. "Well, you know, it's not 12 me; it's those guys," or whatever. Well, I'm 13 telling you, the buck starts right here because you 14 guys are the ones that develop these weapons. And 15 as far as I'm concerned, it should stop right here. 16 Now, human organisms are very frail and 17 complicated. And when we introduce things into 18 them, change their environment, there's outcomes 19 that we can't predict. 20 Now, we know by the outcome already from 21 nuclear waste that what happens is it ends up 22 making the people of the world human guinea pigs by 23 the activities that happen because you guys don't 24 always know what -- you know, we don't always know 25 what's going to happen, but it's like making us</p> <p style="text-align: right;">3-80 (cont.)</p> <p style="text-align: right;">3-81</p>
<p style="text-align: right;">Page 107</p> <p>1 Now, the monster babies are babies without 2 skeletons. Just think of that for a minute. A 3 child without a skeleton? This is the result of 4 nuclear weapons and nuclear weapons testing. This 5 is part of the human costs that you won't find on 6 any calculator. Okay? 7 Another example: The contaminated soil in 8 the parks of our own community, Livermore. The 9 parks where maybe our kids play in has contaminant 10 soil from years back when we were told, "Well, 11 let's just give some of this out as sludge." You 12 know, "Hey, it's good for the lawn." You know, 13 these are examples of the real human cost. Okay? 14 Now, I'd like to say something else. I'd 15 like to relate something here -- I'd like to read 16 to you just very briefly, it's in the Universal 17 Declaration of Human Rights, Article IV -- and I 18 got this in my recent trip to the U.N. 19 Article IV, 20 "No one should be held in slavery 21 or servitude. Slavery and the 22 slave trade shall be prohibited in 23 all their forms." 24 I suggest to you, and I've always 25 maintained, that the people of the world have been</p> <p style="text-align: right;">3-79</p> <p style="text-align: right;">3-80</p>	<p style="text-align: right;">Page 109</p> <p>1 guinea pigs. 2 But the people of the world are calling for 3 abolition. This is evidenced by the Abolition 2000 4 Movement. People in countries all over the world 5 are saying, "Let's get rid of it." 6 And why? Nuclear power is not economical. 7 It just isn't. It's just financed by governments, 8 but it doesn't make any money. You know, it's 9 just -- it's not economical. 10 And another thing: Nuclear weapons are not 11 ethical. Tell me one person who believes that, you 12 know, setting 50,000 people on fire at one time is 13 ethical. 14 I'm going to finish, okay. I drove all the 15 way from Concord. 16 MR. BROWN: Yeah. 17 MR. NICHOLSON: I'm almost done. Okay? 18 MR. BROWN: Thanks. 19 MR. NICHOLSON: So what I'm saying is: We 20 need to shift our consciousness away from death and 21 destruction, and we need to -- we need to start 22 healing the people that have been harmed by nuclear 23 weapons already in parts of our planet, okay -- 24 that means ecosystems, too. We need to adopt a 25 policy of negotiation not incineration. Okay?</p> <p style="text-align: right;">3-82</p> <p style="text-align: right;">3-83</p> <p style="text-align: right;">3-84</p>

<p style="text-align: right;">Page 110</p> <p>1 So, you know, we just -- the NIF -- we've 2 heard all this stuff "it's over budget." You know, 3 I don't care if the thing is half price on sale. 4 You know, we don't need it, and we don't want it. 5 And we've got to remember something, okay? 6 We are all connected. You know, and our new 7 physics teaches us that. It teaches us what the 8 indigenous people knew all the time: That we're 9 connected. 10 Now we have our physics that proves it, our 11 new physics. Okay? You guys are familiar with new 12 physics. It shows us that on atomic -- subatomic 13 level, we are all connected together. 14 So I urge you guys to use your hearts and 15 your conscience, you know, with the decisions that 16 you make on a daily basis. You know, when you get 17 this many people out of the community -- and 18 there's lots of people that couldn't even come 19 today; they had to work. 20 You know, I represent myself and also a 21 few -- a lot of other people that agree with me. 22 But, you know, thank God we have a few open 23 hearings. You know, we had to go to court to get 24 them, but -- you guys, really, listen to the 25 people. We don't want the NIF; we don't need it.</p> <p style="text-align: right;">3-85 3-86 3-87</p>	<p style="text-align: right;">Page 112</p> <p>1 things: How they happen, why they happen, and who 2 is behind all these things and why things don't 3 work the way they're supposed to work. 4 And because I was working for environmental 5 work -- and the environmental work does not get 6 money; the weapons get the money -- I was running 7 out of money. And so I had to apply for a job, and 8 I got the job in Lawrence Livermore National 9 Laboratory one and a half year ago to work on 10 environmental work. 11 I find myself after a year -- rather after 12 two, three months, to be expected to do nuclear 13 weapons work. And I was actually asked a few 14 months ago to write proposals on it. I refused 15 because I was hired to do environmental work. And 16 I found myself one floor down in a cubicle in a 17 week. At this point, I guess I'm on assignment -- 18 employee between assignments. 19 I have made up my mind, my fellow workers, 20 citizens of the Lawrence Livermore National 21 Laboratory, to make my announcement probably 22 publically this night, that I have decided to 23 resign from this place of insanity. And I expect 24 that many others will follow my example. 25 I will follow this talk of mine later on in</p> <p style="text-align: right;">3-88 (cont.)</p>
<p style="text-align: right;">Page 111</p> <p>1 Thank you. 2 MR. BROWN: The final person who signed up 3 is Mr. Tupadocus -- Tupadocus. 4 MR. TUPADOCUS: My name is Andreas 5 Tupadocus. I obtain a Ph.D. degree in chemistry 6 from the University of Michigan ten years ago. 7 I have worked in the industry, universities, 8 have lived in different -- eight different states 9 in the United States, 20 years in the United 10 States. I was born and raised in Greece. 11 I worked in Los Alamos as a post doc. Pure 12 hydrogen chemistry -- had nothing to do with 13 weapons. I did environmental work in Los Alamos. 14 I had the luck -- I don't know how to call it -- to 15 find myself in the labs where they assemble, 16 disassemble the pits. I had to put my hands one 17 day in there just to keep my job. 18 We had accidents very well-reported in the 19 news, major news with spills. And I lived all this 20 terror in that place, and I was forced to go in -- 21 eventually I did not because I did not belong, and 22 I was not doing such work. 23 The man who made the mistake was fired in 24 one month. He breathed plutonium. He got sick, in 25 other words. I know the details of all these</p> <p style="text-align: right;">3-88</p>	<p style="text-align: right;">Page 113</p> <p>1 the news, and I will report what insanity I have 2 seen taking place in these places. 3 Every one of us is counted accountable for 4 this. How can we have our conscience right, go and 5 have our children on our lap, provide to our 6 families food when we know we are building the 7 machine for Armageddon? 8 How can we walk out of this room and go 9 expect a paycheck this month to know that this 10 money we're getting is coming because one day 11 humanity is going to be as a prophet said? 12 And I know very well many of you go to the 13 church, and you feel pretty good about it because 14 you give poor to the organizations for the poor. 15 But you are accountable -- each one of you -- the 16 work you do for humanity, to save humanity or 17 destroy humanity. 18 I came here -- the first impression the Lab 19 gave me was that Lee -- Mr. Lee was a spy. They 20 gave us indoctrination about espionage because I 21 was holding and I am holding a high-security 22 clearance. And I left from that room, and I knew, 23 I believed -- they made me believe that Dr. Lee was 24 a spy. 25 Well, after a while, the Government comes in</p> <p style="text-align: right;">3-89 3-90</p>

<p style="text-align: right;">Page 114</p> <p>1 and says, "We are not sure if he's a spy." 2 The polygraph testing came. The DOE 3 proposed for 5,000 people to be tested. Now they 4 are down to 1,000. Why? Why is that? Did they 5 start considering the insanity of their decision? 6 Mr. or Dr. -- I do not know what to say any 7 more -- Campbell disappeared. The management did 8 not give any explanation to me, as a worker, staff 9 in this Laboratory, why he left. What is behind 10 all this disappearance, and what is happening now? 11 I have no clue. 12 I demand to know what happened. Is he a 13 Dr. or a Mr.? Very important to know. Give us the 14 results. Give us information. We are behind the 15 fence, but we do not know what is happening. 16 What is the management's position about 17 polygraphy? Allows the DOE come in and put wires 18 on the people's hands to see what they think, to 19 read their thoughts. What does the management of 20 Lawrence Livermore National Laboratory has done 21 about it to protect the employees and their rights? 22 When I was hired, no one told me I will sit 23 on a chair, put wires here on my hand to read my 24 thoughts. And if I don't, then I will have to find 25 a different job. That was one more reason to make</p> <p style="text-align: right;">3-90 (cont.)</p>	<p style="text-align: right;">Page 116</p> <p>1 teach my students about the truth, how to save 2 humanity, if we can; if it's not too late. 3 Do you have children? You love them. And 4 you see them coming to you, and you rejoice. I'm 5 asking you: Will you see your grandchildren to 6 come to your knees, on your lap, and you feel that 7 joy again? 8 God is my witness. If you do not change 9 this direction -- and I'm not talking to only these 10 three of you; I'm talking to all the ones that will 11 read this that the stenograph is writing. 12 It is my witness, the Lord of the Universe, 13 that if these people who control and decide for the 14 fate of this world -- and they know very well who 15 they are -- if they do not change their direction, 16 God is my witness, Armageddon is knocking your 17 door. And you will see it with your own eyes. And 18 that day you will say, "What have we done?" 19 I recommend to you to go and see the video 20 made by the International Action Center titled NATO 21 Targets. Go and see it. And I know that as a 22 human being, you will feel that which millions of 23 people will feel very soon if we do not change our 24 direction. 25 Thank you very much for your patience to</p> <p style="text-align: right;">3-92 (cont.)</p>
<p style="text-align: right;">Page 115</p> <p>1 up my mind to get out of this, to resign. 2 MR. BROWN: Two minutes. 3 MR. TUPADOCUS: How long are you going to 4 deceive humanity? And I'm not speaking only to 5 you; I'm speaking all to those that have decided to 6 go on with these projections, with these details of 7 how to construct a machine to burn up humanity in 8 the name of saving humanity. 9 Someone made a very clear statement before 10 and very important one. Yugoslavia was bombed, 11 yes, because they didn't have nuclear weapons. If 12 they did, they would not. 13 Now, what are you going to do? Are you 14 going to start bombing everyone who doesn't have 15 nuclear weapons? What other nations are going to 16 do that they do not have nuclear weapons? They 17 will say, "Well, one day we will be bombed. Let's 18 make more bombs." 19 So then you're saying -- and you have a 20 whole office -- millions of dollars spent for 21 non-proliferation. And what are you doing? You 22 multiply nuclear weapons on -- on our planet. 23 Therefore, I'm telling you: Follow my 24 example. As a scientist with a career of \$91,000 a 25 year, a permanent job, I have decided to go and</p> <p style="text-align: right;">3-91</p> <p style="text-align: right;">3-92</p>	<p style="text-align: right;">Page 117</p> <p>1 listen to me. 2 MR. BROWN: Thank you. 3 Okay. That concludes the persons who signed 4 up; it also concludes this hearing. We are over 5 time. 6 Now, we will have an evening session. We'll 7 have, again, the same format: a brief presentation, 8 questions, and answers. I know some people may 9 have additional comments to make. Maybe we can 10 just take a quick break for the panel. 11 You want to take maybe three to five 12 minutes? 13 And if there are folks who wish to make 14 additional comments, maybe they can talk to me, and 15 we'll figure out how we can get these put in the 16 record. 17 Again, I appreciate your attendance here, 18 your interest. And we'll break for five minutes 19 and then start the evening session. 20 Thanks very much. 21 (Whereupon, the proceedings adjourned 22 at 5:37 p.m.) 23 24 25</p>

<p style="text-align: right;">Page 118</p> <p>1 2) 3 STATE OF CALIFORNIA) ss. 4) 5 6 7 I, LETICIA A. RALLS, a Certified Shorthand 8 Reporter in and for the State of California, do 9 hereby certify: 10 That said proceedings we reported by me 11 at said time and place, and were taken down in 12 shorthand by me to the best of my ability, and were 13 thereafter transcribed into typewriting, and that 14 the foregoing transcript constitutes a full, true 15 and correct report of the proceedings which took 16 place. 17 I further certify that I am not of counsel 18 nor attorney for either or any of the parties 19 hereto, nor in any way interested in the outcome of 20 said proceedings. 21 IN WITNESS WHEREOF, I have hereunder 22 subscribed my hand this 11th day of December 1999. 23 24 25 LETICIA A. RALLS, RPR CSR NO. 10070</p>	

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DOCUMENT 4: Meeting Transcript, Livermore, California, December 8, 1999, 6:30 p.m.

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UNITED STATES DEPARTMENT OF ENERGY
OFFICE OF DEFENSE PROGRAMS
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In re:
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT
FOR THE NATIONAL IGNITION FACILITY

PUBLIC MEETING

Proceedings before: HOLMES BROWN, Facilitator

Wednesday, December 8, 1999

6:30 p.m. session

Taken by Lesley D. Schneider,
a Certified Shorthand Reporter
in and for the State of California
CSR No. 10580

<p style="text-align: right;">Page 2</p> <p>1 PROCEEDINGS 2 BE IT REMEMBERED, on Wednesday, the 3 8th day of December, 1999, commencing at the hour 4 of 6:45 p.m. of said day, at the LAWRENCE 5 LIVERMORE NATIONAL LABORATORY, SOUTH CAFETERIA, 6 East Avenue, Livermore, California, before me, 7 LESLEY D. SCHNEIDER, a Certified Shorthand 8 Reporter in and for the State of California, 9 said proceedings were had. 10 APPEARANCES 11 HOLMES BROWN, of AFTON & ASSOCIATES, 12 appeared as the Facilitator. 13 RICHARD SCOTT, of the DEPARTMENT OF 14 ENERGY, Document Manager for the NIF SEIS, ES&H 15 Program Manager for NIF, Oakland Operations 16 Office, appeared as the presenter and as a panel 17 member. 18 THOMAS FINN, of the OFFICE OF 19 DEFENSE SCIENCE, appeared as a panel member. 20 STEVE FERGUSON, of the DEPARTMENT OF 21 ENERGY, Attorney, Office of General Counsel, 22 appeared as a panel member. 23 SCOTT SAMUELSON, of the DEPARTMENT 24 OF ENERGY, NIF DOE Field Manager, Oakland 25 Operations Office, appeared as a panel member.</p>	<p style="text-align: right;">Page 4</p> <p>1 ANN BEIER: I'm Ann Beier of Western 2 States Legal Foundation, and I have questions 3 about receiving documents. Like the transcripts, 4 you said, would be available. How will they be 5 available? On the web site? Is there somebody 6 to talk to, or anybody who goes to this meeting, 7 will we get copies of the transcripts? 8 MR. SCOTT: Typically, the transcripts go 9 out as an appendix to the final SEIS with the 10 viewgraphs, and then everybody who is on the list 11 will get a copy of that, and the viewgraphs will 12 be reduced and put in there, again, in the 13 appendix -- 14 MS. BUYER: Thanks. 15 MR. SCOTT: -- of the final Supplemental 16 EIS. 17 MS. BUYER: Okay. Thanks. 18 MR. BROWN: Yes. 19 MS. KELLEY: This is just a point of 20 information. When people -- the sign-up thing, 21 it doesn't ask for their address, so I would just 22 recommend that you specifically say, "Please give 23 us your address so that we can send this to you." 24 I mean, you can find me, I know, but there are 25 other people who might want a copy.</p>
<p style="text-align: right;">Page 3</p> <p>1 (Whereupon, a presentation was 2 given by Richard Scott consisting of 3 the same information as the afternoon 4 session, including the same viewgraphs.) 5 MR. BROWN: It's now time for the 6 question-and-answer period. I would like to 7 introduce the other members of the panel other 8 than Richard. 9 We have Tom Finn, who is with the Office 10 of Defense Science. Steven Ferguson is an 11 attorney with the DOE's Office of General Counsel 12 in Washington D.C., and Scott Samuelson is the 13 DOE Field Manager for NIF. 14 In order for everybody to get their 15 questions in, I will ask if we can start off with 16 folks just asking one question and one follow-up, 17 and we'll just see if we can run through all the 18 questions. 19 Also, for the sake of the court reporter, 20 if you could step up to the microphone and 21 identify yourself, and if there is an 22 organizational affiliation that is appropriate 23 also provide that. 24 I know there are a lot of questioners out 25 there. Who would like to start? Ann.</p>	<p style="text-align: right;">Page 5</p> <p>1 MR. BROWN: Thanks for that clarifying 2 point. 3 Other questions? 4 MR. SCOTT: Just a point of clarification, 5 we sent around 220 SEIS copies out, and we sent 6 one to everyone who asked, but it's also on the 7 web site. 8 Normally we would not send it to you 9 unless you specifically asked for a copy because 10 we prefer doing it electronically, so if anyone 11 wants a copy, they have to ask and give us their 12 address at that time. 13 MS. KELLEY: Right. But you just said 14 everybody who is here and speaks will get a copy, 15 and I was just trying to be helpful and tell you 16 that there were people who were here and are here 17 and spoke, and you don't have their address. 18 MR. BROWN: It's possible they are 19 clairvoyant, but assuming in some cases they 20 aren't, your suggestion that -- 21 MS. KELLEY: I expect a lot from 22 government officials, but that is not on my list. 23 MR. BROWN: Okay. Questions? 24 MR. LARKIN: I have a question that arose 25 out of reading the San Jose Mercury News, which</p>

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<p style="text-align: right;">Page 6</p> <p>1 usually does pretty good reporting about NIF, and 2 I'll read the portion here. It goes on about 3 some of the difficulties that you're encountering 4 and talks about the different likely outcomes and 5 suggests that one outcome might be using NIF at 6 lower power, and then this is what it says: 7 "Researchers could use the laser 8 at lower power, which causes 9 less damage to the glass, but 10 that move would limit the laser's 11 usefulness, particularly in the 12 field of nuclear fusion energy 13 research." 14 So my question is: What is behind that? 15 If you use the laser, if you use the NIF at lower 16 power, it limits its usefulness, particularly for 17 the energy research justification for this 18 project versus the weapons development 19 justification for this project. 20 First of all, is that true, and if it is 21 true, why is it true? What is behind this 22 statement? I just want to understand it better. 23 MR. FINN: It's estimated that in order 24 to reach ignition, the baseline of the facility 25 is about 1.8 megajoules. I think the codes</p> <p style="text-align: right;">4-2</p>	<p style="text-align: right;">Page 8</p> <p>1 First of all, the justification -- the 2 report came out and said that NIF would promote 3 non-proliferation because, primarily, it promoted 4 the United States' ability to enter into a 5 conference of test ban, and a conference of test 6 ban, in turn, promoted non-proliferation. 7 We now see that things have changed since 8 that time. We now see that even when the 9 administration tried to use the Stockpile 10 Stewardship Program as their justification for 11 doing the CTBT, it was rejected, so you can't 12 rely upon the CTBT to sort of say that NIF is for 13 non-proliferation. 14 We are also seeing that countries like 15 India have entered into the -- to become nuclear 16 powers in part because the United States 17 continues -- at least in their own words, 18 because the United States continues to do nuclear 19 weapons research. 20 We also see that there has been a lot of 21 leaks from -- I'm saying leaks; people talk about 22 espionage. But, anyway, the results of the 23 research done at the labs, this gets out into 24 others' hands, and the labs have entered into 25 joint agreements, say, with France on their</p> <p style="text-align: right;">4-3 (cont.)</p>
<p style="text-align: right;">Page 7</p> <p>1 predict that you need around a megajoule to get 2 into the ignition research, so the thinking is if 3 we can't get above a megajoule, we have 4 difficulty getting into that ignition regime. So 5 you need a certain amount of energy to be able to 6 hit the pellet hard enough to get into the 7 burning nuclear fusion regime. 8 MR. LARKIN: And then, just following up 9 on what you said, just so I understand, if you 10 don't get it to ignition, then its usefulness for 11 fusion energy research is undercut, in some way, 12 is reduced more than its usefulness for weapons 13 research. 14 MR. FINN: Yes, that is true. 15 MR. LARKIN: Thank you. So really -- 16 okay. I can draw my own conclusion. 17 I have a second question. 18 MR. BROWN: That's fine. Sure. 19 MR. LARKIN: And this has to do with 20 something I alluded to this afternoon when I was 21 talking, and that is that there was a 22 proliferation impacts study of the NIF done in 23 1994, 1995. I believe those are the years, but 24 it was a while back. Since that time, a lot has 25 changed.</p> <p style="text-align: right;">4-2 (cont.)</p> <p style="text-align: right;">4-3</p>	<p style="text-align: right;">Page 9</p> <p>1 megajoule project, and other countries. 2 So there has been a big change since that 3 study came out. I think the study -- that whole 4 process was flawed. The results were wrong. 5 But now, given that the world has changed, 6 that you can't rely upon the CTBT to say that 7 there is no proliferation impact from NIF, my 8 question is this: Would you now redo that -- 9 reopen that process; take another look at that; 10 allow public comment, and enter into this issue 11 again? It seems appropriate to do so at this 12 time. 13 MR. FERGUSON: If you're suggesting that 14 that's what the Department should do, we'll take 15 that as a comment. There is no one here who can 16 speak for the non-proliferation program. 17 This is a question-and-answer period on 18 the Supplemental EIS, and we're prepared to 19 answer those questions. 20 Your question goes to a much broader scope 21 of questions associated with the Department and, 22 frankly, the U.S. Government's policies on 23 proliferation, and we aren't experts in that 24 area, and we shouldn't hold ourselves out to be. 25 MR. LARKIN: Let me clarify. I'm not</p>

<p style="text-align: right;">Page 10</p> <p>1 asking about the United States Government's 2 policies on non-proliferation. The United States 3 Government's policy on non-proliferation is it's 4 against it. 5 I'm asking about NIF's impact on 6 proliferation or non-proliferation of nuclear 7 weapons. That was an issue. The situation has 8 changed since the last study. I'm just asking 9 whether the Department, not the whole United 10 States Government, but whether the Department 11 will now enter into a re-examination of that 12 issue under the new circumstances and whether 13 they would undergo hearings and have comments on 14 that. 15 MR. FERGUSON: No one here can answer that 16 question. 17 MR. LARKIN: Okay. Who can answer that? 18 MR. FERGUSON: I personally know of no 19 plans to do so, but there could very well be such 20 plans. The people who run the non-proliferation 21 program for the Department were the ones who 22 managed the last effort, and they would have to 23 be the ones to make that decision in 24 consultation, I'm sure, with the upper management 25 of the Department.</p> <p style="text-align: right;">4-4</p>	<p style="text-align: right;">Page 12</p> <p>1 guess, as a formality, I'll ask if there are any 2 representatives of elected officials here. We 3 did have one this afternoon, but I don't think 4 anyone is here this evening. 5 (No response.) 6 MR. BROWN: Okay. In that case then, we 7 will proceed to call people in the order in which 8 they have signed up. 9 The first person is Stephanie Ericson. 10 Good evening. 11 MS. ERICSON: My name is Stephanie 12 Ericson. I'm a resident of Dublin, formerly a 13 resident of Livermore, and I've been a member of 14 Tri-Valley CAREs for a number of years. 15 I want to first congratulate the 39 peace 16 and environmental groups for their successful 17 legal challenge that resulted in part in this 18 hearing, a hearing to provide greater review and 19 public disclosure of the National Ignition 20 Facility. 21 While NIF was never really properly 22 reviewed in the context of its overall role 23 within the DOE's mislabeled Stockpile Stewardship 24 Program, in the first place, in my view, 25 certainly NIF's technical setbacks, projected</p> <p style="text-align: right;">4-5</p>
<p style="text-align: right;">Page 11</p> <p>1 If you're making that as a suggestion, we 2 will take it as a comment, but, I reiterate, we 3 are not in a position to answer your questions. 4 MR. BROWN: Other questions? 5 (No response.) 6 MR. BROWN: All right. I guess we are now 7 prepared to take formal comments. I'll ask each 8 presenter, again, to step up to the microphone 9 and identify themselves and provide an 10 organizational affiliation, if that is 11 appropriate. 12 I'll also ask if each person can confine 13 their initial remarks to ten minutes in order 14 for the number of folks who signed up to all have 15 an opportunity to make their initial presentation 16 in a timely fashion. 17 I'll notify you when you have reached the 18 eight-minute mark and when you have two minutes 19 remaining. If you can wrap your statement up 20 within the ten-minute period, that is fine. If 21 you have comments beyond that, if you can end at 22 the ten-minute mark, and I will go through all of 23 those who have signed up and then come back, and 24 people can complete their statements. 25 I'd like to call on the -- well, first, I</p>	<p style="text-align: right;">Page 13</p> <p>1 budget increases and resulting changes in NIF's 2 likely eventual configuration really require a 3 full and broader reevaluation of the project. 4 DOE has often tried to publicly justify 5 NIF on grounds of developing nuclear fusion as a 6 new source of energy. If this were the case, I 7 believe it would utterly fail to win 8 Congressional funding favored against more 9 promising areas of research development, such as 10 solar, hydrogen fuel cells, et cetera, certainly 11 on the level of the massive funding that is being 12 proposed. But NIF is a military program, and so 13 has not suffered the same level of cost/benefit 14 scrutiny that civilian projects are subject to. 15 I will not repeat the very fine technical 16 and general comments being made by many others 17 today -- many of them earlier today and some 18 presumably later on -- except to say that I agree 19 that NIF does present a potential environmental 20 and health danger to our community, and that it 21 also presents a danger to the global community, a 22 community that can truthfully point to NIF as 23 another example of U.S. hypocrisy in matters of 24 nuclear weapons development and proliferation. 25 This is especially true in the wake of the</p> <p style="text-align: right;">4-6</p> <p style="text-align: right;">4-7</p>

<p>1 Senate vote against the Comprehensive Test Ban 2 Treaty. As many of us and you are aware, the 3 Clinton administration's decision to go along 4 with the nuclear weapons labs Stockpile 5 Stewardship Program was part of a backroom 6 political deal, a quid quo pro for the Lab's 7 support of the CTBT. 8 It was a very bad deal from the start, in 9 my opinion and in the opinion of many, but the 10 Lab's, at best, tepid support for the CTBT during 11 the critical debate in the Senate, showed how bad 12 and how one-sided that deal really was. 13 I must say that this all makes me very 14 tired. 15 In recent years we have seen the so-called 16 peace dividend dangled enticingly before our eyes 17 at the end of the Cold War only to be to 18 swallowed up, not by improved social programs to 19 help improve health care and education and 20 address other critical needs, but by continuing 21 high levels of so-called defense spending. 22 I'm tired of seeing military programs 23 receive less than a tenth of the scrutiny that 24 civilian programs undergo. 25 I'm tired of seeing communities near</p>	<p>Page 14</p> <p>4-7 (cont.)</p> <p>4-8</p>	<p>Page 16</p> <p>1 MR. BROWN: Thanks very much. 2 Our next speaker is Joanne Fresch. Is 3 she here? 4 (No response.) 5 MR. BROWN: Okay. I'll come back to her 6 then. 7 Ed Rippy. 8 (No response.) 9 MR. BROWN: These were folks who had 10 signed up. They may be coming later. Okay. 11 MS. KELLEY: Also, we got a lot of calls 12 at our office asking if people were actually 13 signed up because they didn't get confirmation 14 calls. 15 MR. BROWN: I see. 16 MS. KELLEY: So if they don't come later, 17 DOE needs to follow up, because there was some 18 confusion about whether the sign-ups got 19 reported. 20 MR. BROWN: I see. Okay. 21 And there were a couple names this 22 afternoon. In fact, I know one person who was 23 signed up this afternoon has arrived this evening 24 who will be speaking. So, anyway, we'll check on 25 that.</p>
<p>1 contaminated DOE sites around the country 2 struggle to stretch minimal dollars allocated for 3 cleanup and public health, while the nation 4 remains on a dangerous and budget-busting nuclear 5 weapons' treadmill that we seem not to be able to 6 get off. 7 Frankly, I'm tired of seeing the black 8 hole of military spending gobbling up our 9 resources. There is no excuse anymore, if there 10 ever was one. NIF is just the latest example. 11 But as a single project, it's a doozy. 12 I used to keep track of what it's supposed 13 to cost, but I finally gave up on that. Its 14 multi-billion dollar price tag is a moving 15 target, and the direction is always up. To 16 borrow a phrase from Ross Perot, "Do you hear the 17 sucking sound?" 18 Our nation and our world cannot possibly 19 benefit from the economic waste and extraordinary 20 danger from continuing nuclear weapons 21 development. Let's draw the line in the sand 22 with NIF here and now and begin living up to our 23 legal and moral commitment to reducing the threat 24 of nuclear war. 25 Thank you.</p>	<p>Page 15</p> <p>4-9</p> <p>4-10</p>	<p>Page 17</p> <p>1 Barry Luboviski. 2 MR. LUBOVISKI: Good evening. My comments 3 will be brief. My name is Barry Luboviski. For 4 the record, that's spelled L-u-b-o-v-i-s-k-i. 5 I'm secretary-treasurer for the Building and 6 Construction Trades Counsel for Alameda County. 7 We currently represent workers who are 8 working on the NIF site and on work contained 9 under a project labor agreement. 10 I briefly reviewed a document that I have 11 with me here, the National Ignition Facility 12 Draft Supplemental Environmental Impact Statement 13 to the SSM PEIS. 14 It is my understanding that due to the 15 discovery of contaminants, specifically PCBs, 16 that the ensuing remediation occurred which 17 successfully removed -- identified and removed 18 those contaminants. 19 Our counsel represents 26 local unions and 20 approximately 25,000 workers that work in 21 construction activities in the Bay Area. Hearing 22 such an occurrence is not unusual. It's not 23 something that we look forward to, but within the 24 Bay Area, there are numerous sites which come 25 across all kinds of debris or unanticipated</p>

<p>1 substances in the ground when they are digging. 2 Whether it's coming across unidentified gas lines 3 or electrical lines which weren't properly 4 located in the construction plans or whether it's 5 coming across unidentified landfills, this is 6 something that occurs, and it's expected to 7 occur. 8 So when I discovered that there was 9 remediation, I felt confident with regard to one 10 thing, and that is that workers on this site 11 represented by our Building Trades Counsel and 12 the crafts, because of these kinds of expected 13 problems and others, are trained in what we call 14 HAZMAT training, hazardous material handling. 15 That occurs in most of our apprenticeship 16 programs. It also occurs with journeymen. And 17 in some sites, such as some of the refinery sites 18 in Contra Costa County, it's expected. 19 So I expect, as do the workers, that the 20 remediation should be and must be done in a safe 21 manner. 22 I've not heard to this point that the 23 specific remediation for the PCBs was handled in 24 a manner to endanger the workers or the general 25 population in terms of the way it was removed</p>	<p>Page 18</p> <p>4-10 (cont.)</p> <p>4-11</p>	<p>Page 20</p> <p>1 the building trades has come out in support of a 2 process which reviewed all aspects of the NIF 3 project. The review process ensued and came to 4 final conclusions and to completion. The project 5 is now under construction. This work is being 6 done under a project agreement and affords the 7 proper wages and working conditions, and, I might 8 add, safe working conditions, for workers working 9 on the project. 10 So speaking on behalf of all the crafts 11 that I represent, we feel that it is appropriate 12 that this project should continue until and 13 unless such a time that there are substances or 14 actions with regard to the discovery of any 15 dangerous substances which would necessitate the 16 stopping of this project. At this point, we do 17 not see anything that at least convinces us that 18 that has happened. 19 Thank you. 20 MR. BROWN: Thank you. 21 Joanne Freemire. 22 MS. FREEMIRE: That's Joanne Freemire, 23 J-o-a-n-n-e, F-r-e-e-m-i-r-e. And I live in the 24 town of Sunol, which is just south of Livermore. 25 I am a member of Tri-Valley CAREs, and I care not</p> <p>4-14</p> <p>4-15</p>
<p>1 from the site. 2 I would expect that there is, in fact -- I 3 always like to look at the glass as being half 4 full -- that there is a benefit. To the extent 5 that additional excavation, should this project 6 proceed, discovers additional contaminants, it 7 affords everybody the opportunity of being aware 8 of exactly what those contaminants are and 9 knowing that those contaminants will be removed 10 fully and completely and that the proper studies 11 will ensue to ensure that that comes to fruition. 12 For those reasons and because of my 13 assurance of the competency of the work force 14 that handled this remediation and would handle 15 remediations if they were to occur in the future, 16 I would support this project continuing. 17 I would think that, really, the most 18 important aspect to focus on is effective 19 identification or removal of hazardous substances 20 and not lengthy studies which would stall this 21 project and, in fact, might potentially raise the 22 costs and not benefit either the local population 23 or, in general, government financing for this 24 project. 25 Now, we have historically -- in the past,</p>	<p>Page 19</p> <p>4-12</p> <p>4-13</p>	<p>Page 21</p> <p>1 only about the healthy -- you know, having a 2 healthy environment, and I have concern about 3 radioactive contamination of the environment, but 4 also as a taxpayer, you know, I watch how the 5 Government spends my dollars. 6 And when the NIF was first proposed, it 7 was advertised as an energy project. I still 8 felt -- even though I support, you know, the use 9 of alternative energy, clean energy, I was 10 opposed to the project because of the large 11 amount of money that was being proposed that had 12 to be spent to make this project. I felt, you 13 know, if you had used that same amount of money 14 for other energy-related projects, it would have 15 gone further. We would have gotten a better bang 16 for our bucks as taxpayers. 17 As far as jobs go, it would have created a 18 larger number of jobs and crafts, some more, for 19 sure, energy sources than fusion, which is still 20 very questionable as to whether it can actually 21 be achieved. 22 Then, you know, as time went on, it 23 becomes more obvious that its primary purpose is 24 for military purposes, weapons research, and I am 25 totally opposed to that. And I'm watching the</p> <p>4-16</p> <p>4-17</p> <p>4-18</p>

<p>1 cost go up and up and up, and I'm thinking these 2 are my tax dollars at work, so when I heard of 3 the opportunity to speak at this hearing, I 4 wanted to come and, you know, let my feelings be 5 known. 6 I noticed in your presentation at the 7 beginning there were two alternatives offered. 8 Under the no-change alternatives, one was to 9 continue the project as it's going, and the other 10 was not to build the project. And I, obviously, 11 would support not building the project. I feel 12 that is the best alternative. 13 One of the proposals that I have heard to 14 keep the NIF within the original budgeted -- or 15 at least the last budgeted amount of money that 16 was -- we were told it was going to cost is now 17 to reduce the size of the project to a 96-beam 18 project. Well, in my mind, this would remove its 19 ability to be used as an energy project, and so 20 now it's perfectly clear it's just a weapons 21 project. And it also appears to me that this 22 would then be a new project and then would 23 require a new PEIS. 24 But, if those that make these decisions 25 insist on proceeding with the project as the</p>	<p>Page 22</p> <p>4-18 (cont.)</p> <p>4-19</p> <p>4-20</p>	<p>1 being -- are attacking, the tritium that will 2 land as residue inside of the chamber will need 3 to be cleaned. What will happen with that 4 cleaned tritium? How will it happen? Where will 5 it go? 6 The filters that filter the air inside of 7 the ignition chamber will obviously collect 8 radioactive wastes, and then how will these 9 filters be dealt with? 10 The lubricants inside of the system 11 that -- the air-conditioning, I think, will 12 probably need some lubricants. This will absorb 13 the radioactive elements. What will happen with 14 these oils and these lubricants? How will they 15 be safely dealt with? 16 Also, I understand there are some cameras 17 that will be involved with taking pictures of 18 what goes on inside the chamber. These cameras 19 will need to be removed periodically and cleaned 20 and repaired. The radioactive residue that will 21 come with these has to be dealt with. 22 So my concern is, whatever comes out of 23 the chamber, what will it bring with it into our 24 environment, and how is this going to be safely 25 dealt with?</p>	<p>Page 24</p> <p>4-22 (cont.)</p>
<p>1 no-change alternative, then it would seem to me 2 the SEIS needs to address the waste that would be 3 created by the NIF, which apparently it does not. 4 I mean, what I saw in his presentation 5 tonight mostly dealt with waste that was already 6 on the site from previous operations, but it 7 certainly should include any waste that is going 8 to be created by this project, especially any 9 radioactive waste that, you know, might be 10 long-lasting in the environment that we and our 11 children and grandchildren and many, many 12 generations of descendants would have to live 13 with and deal with. 14 So, anyway, those are my thoughts. 15 MR. BROWN: Thank you very much. 16 Janice Turner. 17 MS. TURNER: Janice Turner. I live in 18 Livermore, and I am allied with the Sierra Club, 19 the Bay chapter of the Sierra Club, and with 20 Tri-Valley CARES. 21 My concern is for the environmental -- the 22 environmental impact of the residue which will be 23 created from the work that goes on inside of the 24 chamber. Basically, if we're speaking of tritium 25 being used as the core that the laser beams are</p>	<p>Page 23</p> <p>4-21</p> <p>4-23</p>	<p>1 I live within a mile of the Lab. I have 2 lived within a mile of the Lab for over 30 years, 3 and I want to know what will be the effect upon 4 me from these residues. That's my main concern. 5 And I'd like this issue addressed in the impact 6 statement. 7 Thank you. 8 MR. BROWN: Thank you. 9 Is there anybody else who would like to 10 make a statement at this time? I know we have 11 one person who has been very patient, and I think 12 that completes the list of folks who signed up. 13 And, I guess, Marylia, you had some 14 remarks you would like to make. 15 MS. KELLEY: Hi. I'm not going to repeat 16 my remarks of the afternoon. I just wanted to 17 add a few things. 18 I want to make it very clear that the 19 Joint Stipulation and Order that initiated this 20 Supplemental Pragmatic Environmental Impact 21 Statement was never ever intended to rescind or 22 roll back the National Environmental Policy Act. 23 Rather it specified a set of activities that the 24 Department of Energy must undertake, so the 25 Supplemental PEIS, therefore, must meet the</p>	<p>Page 25</p> <p>4-23</p> <p>4-24</p>

<p>1 requirements of both the Joint Stipulation and 2 Order and the National Environmental Policy Act. 3 The reason I'm bringing this up is some of 4 the text in the draft document itself and some of 5 the spoken remarks from this afternoon seem to 6 indicate that DOE feels that it only needs to 7 meet the minimum requirements of the court order, 8 and every time someone has brought up the 9 requirements of the National Environmental Policy 10 Act, their response has been something along the 11 lines of "that wasn't in the court order." 12 Well, no, what was in the court order was 13 to do a supplemental PEIS under the National 14 Environmental Policy Act. So just to make really 15 clear that because this was ordered by a court 16 does not mean that NEPA is somehow held in 17 obedience. 18 The second thing that I would like to 19 reiterate is that taking a look at all of the 20 revelations that are coming out now about the 21 National Ignition Facility's cost overruns and 22 schedule slippages, taking a look at all of the 23 changes that are being proposed for the National 24 Ignition Facility in terms of potentially the 25 number of beams, potentially the energy at which</p>	<p>Page 26</p> <p>4-24 (cont.)</p> <p>4-25</p>	<p>1 NIF is nuclear weapons work, and it is, 2 nonetheless, the DOE is justifying it and legally 3 putting in its Purpose and Needs Statement 4 civilian fusion energy applications. 5 That brings up two things under NEPA. 6 First, I would like to point out that the 7 Stockpile Stewardship and Management PEIS never 8 included an analysis of programmatic impact from 9 fusion energy. That kind of programmatic 10 analysis would look at everything from the impact 11 of packing those pellets with the tritium and 12 deuterium under high pressures, which is a place 13 where there could very well be many, many 14 emissions. It would look at the whole thing all 15 the way through to the idea of power plants. So 16 that programmatic look has never been done. 17 The second thing I would point out is that 18 the changes in NIF designs that have been talked 19 about here, both the potential change to go to 96 20 beams and the potential that it will run at lower 21 energy because they cannot resolve the problem of 22 the damage propagation in the final optics, 23 either one of those alone, and certainly both 24 together, forego even the slightest prayer of 25 ignition.</p>	<p>Page 28</p> <p>4-26 (cont.)</p> <p>4-27</p> <p>4-28</p>
<p>1 it is run, the different proposals for bringing 2 it on-line in different orders, which, as I said 3 this afternoon, means you are doing different 4 experiments in a different order, all of these 5 things really do make it under NEPA a 6 substantially changed and new project. 7 Therefore, I believe you would need to do a 8 supplemental PEIS at this juncture, regardless of 9 the Joint Stipulation and Order. 10 So the question in my mind is: Is the 11 Department of Energy going to make wise use of 12 the taxpayer dollars that are going into this 13 document -- never mind for a moment the taxpayer 14 dollars going into the project -- and take this 15 juncture in time and take that second hard look 16 at the National Ignition Facility that is 17 required by NEPA? 18 The third thing, I would like to extend my 19 remarks of this afternoon regarding the purpose 20 and need, because I was reminded that in the 21 Department of Energy's formulation of purpose and 22 need for the National Ignition Facility is some 23 language about civilian fusion energy 24 applications, and while I agree with speakers 25 this afternoon who said that the true mission of</p>	<p>Page 27</p> <p>4-26</p>	<p>1 Now, as was brought up earlier, the 2 National Ignition Facility's nuclear weapons 3 mission does not require ignition but as stated 4 on numerous occasions by DOE, the scientific 5 mission of NIF does require ignition. So once 6 again, the purpose and need needs to be revisited 7 at this time. 8 The fourth thing, I would like to add a 9 little to the discussion about nuclear 10 proliferation risks. That 1995 study also 11 concluded that the proliferation risks of the 12 National Ignition Facility could be made quote, 13 unquote, "manageable" and, therefore, could be 14 made quote, unquote "acceptable." That is an 15 explicit admission that there are nuclear 16 proliferation risks of the National Ignition 17 Facility. 18 That document then went on to say on 19 balance because there is a political deal. I 20 want to make this clear. It is not a technical 21 deal. There is no technical need for NIF in 22 order to stop testing and enter into a CTBC. 23 It's a political deal. 24 The document said because of this 25 political deal, this supports the CTBC, and,</p>	<p>Page 29</p> <p>4-29</p> <p>4-30</p>

<p>1 therefore, it has an overall ameliorating benefit 2 to non-proliferation. As previous speakers have 3 said, that benefit has now essentially, for the 4 moment anyway, disappeared, and the risk is still 5 there. 6 Much else has happened in the world as has 7 been mentioned. India and Pakistan tested 8 nuclear weapons and mentioned the U.S. Stockpile 9 Stewardship Program and, specifically, NIF as 10 part of their rationale for needing to test and 11 needing nuclear weapons. Also, as has been 12 brought up, the labs are embroiled in a security 13 scandal. 14 I would submit that nuclear proliferation 15 is much more complex than just espionage, which 16 has existed since the Manhattan Project, and, in 17 fact, I would submit there is no different 18 evidence for espionage, specifically in this 19 case. 20 So rather than subject innocent employees 21 to lie detector tests, the Department should take 22 a hard look at nuclear proliferation, and if you 23 take that look -- and this is the one time that 24 Edward Teller and I are going to agree, so, 25 please, make note of this -- if you take that</p>	<p>Page 30</p> <p>4-30 (cont.)</p> <p>4-31</p> <p>4-32</p>	<p>Page 32</p> <p>1 countries such as India, Pakistan, Israel, Iran, 2 Iraq, Egypt, Japan, Germany, I mean, should they 3 decide to go nuclear. That's a very direct 4 proliferation impact. 5 That same Arms Control Impact Statement 6 also said that other nations might use the cover 7 of fusion programs to develop that capacity. In 8 other words, if we have it and say that we are 9 not using it to develop nuclear weapons, then we 10 can hardly complain when other countries have it 11 and say they are not using it to develop nuclear 12 weapons, when, in fact, that is its most 13 utilitarian purpose. 14 So at this time, at this juncture, I would 15 agree with the previous speakers that this 16 Supplemental PEIS should also include a 17 re-analysis of the very real proliferation 18 impacts. 19 Thank you. 20 MR. BROWN: Thanks very much. 21 That concludes our list of speakers who 22 have signed up. Again, I'll ask if there is 23 anybody else who would like to make a comment at 24 this time. 25 (No response.)</p> <p>4-34 (cont.)</p> <p>4-35</p>
<p>1 look, you would find that nuclear weapons 2 "secrets" quote, unquote are really non-secrets 3 and that any advances that any country makes in 4 nuclear weaponry and nuclear weapons technology 5 becomes known by any other interested nation 6 within about five years. That is what Edward 7 Teller said. 8 Therefore, the NIF's stated admission, as 9 was read from the Lab's institutional plan this 10 afternoon, to advance our knowledge in the area 11 of the thermonuclear secondary and in the fusion 12 part of the weapon, will, by definition, 13 proliferate. 14 An underlying document that points to this 15 is the 1981 Arms Control Disarmament Agency 16 Impact Report to Congress. 1981 is interesting. 17 That was before NIF was specifically considered. 18 They were talking about inertial confinement 19 fusion, the type of fusion that NIF would be. 20 And they said inertial confinement fusion may 21 very well contribute to nuclear proliferation in 22 two ways: 23 It could help a country that has a good 24 technological base get more quickly deboosted 25 fusion or thermonuclear weaponry. These would be</p>	<p>Page 31</p> <p>4-33</p> <p>4-34</p>	<p>Page 33</p> <p>1 MR. BROWN: We are scheduled to remain 2 available for comments until 8:30. I think 3 customarily what we do when no one is ready to 4 make comments is we will recess at this point. 5 We will be ready to reconvene at the point where 6 anybody here would like to make a comment or if 7 somebody arrives later who would like to make a 8 comment. So why don't we recess at this point. 9 Thanks a lot. 10 (Whereupon, a recess was taken.) 11 MR. BROWN: We will formally reconvene, 12 and I would like to call Ed Rippy. 13 You're next. If you'll step up to the 14 mike and identify yourself, and if there is any 15 organizational affiliation that's appropriate, 16 you can tell us that as well, and you're on. 17 Thanks. I'm glad you could join us. 18 MR. RIPPY: My name is Ed Rippy, 19 R-i-p-p-y. For identification purposes, I am a 20 member of the executive board of the East Bay 21 Chapter of Peace Action. I've come to speak 22 about the political philosophy implications of 23 the National Ignition Facility and the Stockpile 24 Stewardship Program in general. 25 This government, especially the Department</p> <p>4-36</p>

<p>1 of Energy, has had a long history of exposing 2 unwilling subjects to radiation hazards, ignoring 3 responsible, competent research on the effects of 4 low-level radiation. As an example, the 5 atmospheric -- the A-bomb tests around Camp 6 Desert Rock where soldiers were marched into 7 ground zero only minutes after detonation, 8 exposed to high levels of radiation; Hanford 9 residents, where the U.S. Government sold 10 contaminated land without telling anybody about 11 the contamination; the injections -- secret 12 injections of radionuclides and unwilling 13 suspects and other exposures as medical 14 experiments and unwilling suspects which have 15 been revealed; the suppression and ignoring of 16 work by such really good physicists, doctors. 17 There is John Gofman, Arthur Chaplin, Rosalie 18 Bertell, Thomas Mancuso, and many, many others. 19 These things continue. We have found 20 plutonium -- unexplained plutonium in the park 21 for three samplings in a row around here in 22 Livermore. We have unknown and unexplained 23 releases of tritium at Lawrence Berkeley National 24 Lab. This Lab here, Livermore National Lab, is 25 also on the Superfund list with a lot of very</p>	<p>Page 34</p> <p>4-36 (cont.)</p> <p>4-37</p>	<p>1 be consent when those governed do not know what 2 their Government is doing to them? 3 Even a foundational document of the 4 English Social Contract Theory, John Locke's 5 second treatise on civil government, states that: 6 "When Government through 7 deception or abuse of power 8 injure their people, they 9 create a state of war with 10 those people. There is no 11 longer a state of social 12 contract. There is a state 13 of war." 14 So our Government, and especially the 15 Department of Energy, is, in fact, at war with 16 the people of the United States, with the people 17 of other nations, and even the earth herself. 18 Indeed, international law would look very 19 unfavorably upon stockpile stewardship. The 20 international court of justice has, of course, 21 declared even the threat of use of nuclear 22 weapons illegal, and, of course, given the 23 standing first use policy of the United States 24 and, indeed, of NATO to continue development of 25 nuclear weapons certainly implies the threat of</p>	<p>Page 36</p> <p>4-40 (cont.)</p>
<p>1 nasty tritium around. These are all lies which 2 hurt people and kill people, not only here, but 3 around the world. 4 The Department of Energy's five-year plan, 5 the Green book -- well, maybe four-year or 6 six-year plan -- was secret until parts of it 7 were declassified as a result of a Freedom of 8 Information Act lawsuit by a large coalition of 9 groups. They still haven't fully declassified, 10 however, despite repeated assurances from 11 Department of Energy spokespersons that there was 12 no nuclear weapons development going on. 13 The Green book showed the certification of 14 the B-6111 earth penetrator, which is certainly a 15 new military capability. They are saying it is 16 only modified -- a modified weapon, but it has a 17 new military capability. They have been working, 18 still working, perhaps, on a glide bomb. Again, 19 a new military capability. 20 All of these, again, are lies which 21 endanger the peace and threaten peace, security 22 and life all over the planet. 23 Our Declaration of Independence states 24 that the just powers of Government derive from 25 the consent of the Government, but how can there</p>	<p>Page 35</p> <p>4-38</p> <p>4-39</p> <p>4-40</p>	<p>1 their use. 2 The Nuremberg principles state that 3 citizens of every country have a right, if not a 4 positive obligation, to take non-violent action 5 to stop their governments from committing grave 6 crimes, crimes against humanity, war crimes, 7 indiscriminate use, weapons which cannot -- the 8 use of weapons which cannot discriminate between 9 civilians and military targets. 10 As far as the non-proliferation -- oh. 11 And we also have obligations under 12 Article VI of the Non-proliferation Treaty to 13 engage in good faith towards the elimination of 14 nuclear weapons. How can we be engaging in 15 negotiations in good faith while we secretly 16 continue to develop further weapons? 17 As an example or an illustration of the 18 proliferation dangers, I'll quote from C. Wright 19 Mills' book Listen Yankee written quite some 20 years ago about the situation in Cuba. He was 21 repeating, perhaps paraphrasing, the words of 22 Cuban guerilla fighters that he had met and 23 interviewed, and I will quote: 24 "Where did I get my gun? From 25 you, of course. At least I</p>	<p>Page 37</p> <p>4-41</p>

<p>1 guess you paid for it. Maybe 2 you didn't know that, but it's 3 true. It happened like this: 4 You pay taxes to your government 5 and your government took your 6 money and bought my gun and 7 gave it to Batista, that 8 bloody bastard, and Batista gave 9 it to one of his murdering 10 gangsters. But one night in an 11 alley in a little town you 12 wouldn't even know the name of, 13 the four of us jumped you. I 14 killed him himself with my 15 machete. It was a war, Yankee, 16 and so I got my gun off him. 17 Then I went to the Sierra 18 to Fidel and fought with him 19 against all the Batistas." 20 Given the way that the United States 21 drives the nuclear arms race and drives nuclear 22 weapons technology and then ultimately winds up 23 exporting much of that technology to other 24 countries in order to curry favor, it can be 25 clearly seen that the environment, the nation and</p>	<p>Page 38</p> <p>4-41 (cont.)</p>	<p>Page 40</p> <p>1) 2 STATE OF CALIFORNIA) 3) 4) 5 I, LESLEY D. SCHNEIDER, a Certified 6 Shorthand Reporter in and for the State of 7 California, do hereby certify: 8 That said proceedings were reported 9 by me at said time and place, and were taken down 10 in shorthand by me to the best of my ability, and 11 were thereafter transcribed into typewriting, and 12 that the foregoing transcript constitutes a full, 13 true and correct report of the proceedings which 14 took place. 15 I further certify that I am not of 16 counsel nor attorney for either or any of the 17 parties hereto, nor in any way interested in the 18 outcome of said proceedings. 19 IN WITNESS WHEREOF, I have hereunder 20 subscribed my hand this 11th day of December, 21 1999. 22 23 24 _____ 25 Lesley D. Schneider, RPR CSR No. 10580</p>
<p>1 the entire world is damaged by war and the 2 preparations for war that are being carried on by 3 stockpile stewardship of which National Ignition 4 Facility is the largest part. 5 Thank you. 6 MR. BROWN: Thank you very much. 7 Is there anybody else who would like to 8 make a comment at this point? 9 (No response.) 10 MR. BROWN: Again, we will recess, but be 11 available to reconvene until 8:30. Thank you so 12 much. 13 (Whereupon, a recess was taken.) 14 MR. BROWN: We will formally reconvene 15 this evening's meeting on the Supplemental 16 Environmental Impact Statement on the National 17 Ignition Facility, and noting that there is no 18 member of the public who wishes to speak at this 19 point, this meeting is formerly adjourned. 20 I thank you very much. 21 (Whereupon, the proceedings adjourned 22 at 8:30 p.m.) 23 24 25</p>	<p>Page 39</p>	

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