ABBY JOHNSON'S

INTERVIEW WITH JUDY TREICHEL

and

STEVE FRISHMAN

EUREKA COUNTY, NEVADA

YUCCA MOUNTAIN LESSONS LEARNED PROJECT

held in

LAS VEGAS, NEVADA

MS. CLANCY: This is Gwen Clancy running the camera, and conducting the interview today is Abby Johnson.

MS. JOHNSON: I'm Abby Johnson. I'm the Nuclear Waste Advisor for Eureka County, Nevada. This is the Eureka County Lessons Learned video project, and today we are interviewing Judy Treichel with the Nevada Nuclear Waste Task Force.

Judy, tell me about your background, how you came to be in Nevada, and how you came to be with the Nevada Nuclear Waste Task Force.

MS. TREICHEL: Well, I came to Nevada in the very end of the Sixties because I had gotten married, and we lived in the Twin Cities in Minnesota, and it was still snowing and below zero at the beginning of April, and we decided there must be some other way to do this, and had friends in the Las Vegas area, so we came out here just to give it a try, which is what many people do when they leave other places. We'll just try it for a little bit.

So, let's see, it's 40 years later, and here I am. I've been divorced, but have three children who all live in Las Vegas, so that's how we wound up in the desert. And, when I first came, some of the few jobs that were available that my husband then and I could get were with Test Site contractors. So, during the time of below-ground testing, we began working at the Nevada Test Site, and I became sort of

alarmed at what was going on with--I knew that--I came to learn that there had been atmospheric tests where the--anything that happened with the bomb was just carried on with the weather, whether it went west or east, mostly it went east.

And, then, the testing went underground, but a lot of the tests vented, and I just knew that there were things that--something was wrong with this, and I guess I came from a family where my dad had been really, really adamant about banning the bomb, and the horrors of atomic war. So, I never was probably a very good fit for the Department of Energy, which was at that time the Atomic Energy Commission. And, worked there, and then I was--I went from that job to working at a labor union here in Las Vegas that still had ties to the Test Site, and I became more and more concerned about what was going on.

And, then, during the Reagan years, he--Ronald Reagan sounded very friendly with nuclear weapons, and that sort of thing, even though he and Gorbachev were talking about putting an end to that. But, he made that horrible gaff on the radio, saying the bombing begins in five minutes. And, at the time that he was, the assassination attempt was made on him, and Alexander Hague said, "I'll be in charge now," I realized suddenly that I had two small children, thinking oh, oh, I really think this country is going in the

wrong direction, and if I don't say anything, that's a bad thing.

So, I became very much opposed to the development of nuclear weapons, and certainly to any use of them, because we had already tried it in Japan and I didn't like the outcome there, so I was opposing that, and on top of that, then suddenly along came the idea of Yucca Mountain, and it was just natural that you would oppose having, as one person put it, a place where you were going to safely secure nuclear waste, and the Air Force was doing bombing runs over the top of it, and nuclear weapons were exploding beneath the ground, and somewhere in the middle, you were going to put nuclear waste. And, I'm not a scientist, but something told me this was not a good idea.

MS. JOHNSON: You've always used your common sense to identify the really fundamentally wrong-headed parts of the Yucca Mountain Project. It seems like sometimes common sense has been the last thing that has been applied by the federal agency.

MS. TREICHEL: Well, I said it was a little silly when government or industry scientists would stand up and talk in terms that perhaps the rest of the audience didn't understand, but certainly I didn't, and usually with a lot of this stuff, when you're talking about particularly safety, and you've been and are raising children, safety is kind of

in the front of your brain, and there's a lot easier ways to explain it, or explain pitfalls, which if you're raising a kid, there's loads of those. So, you can usually come back to an analogy.

MS. JOHNSON: With the Nevada Nuclear Waste Task Force, you've been in the forefront of asking sort of what I call the gee whiz questions, the common sense questions to very lofty agencies, commissions, and various scientists at the Department of Energy. Tell us a little bit about that experience of being on the front lines of common sense.

MS. TREICHEL: Well, the task force started out as a public interest organization, but there was already another Nevada organization that actually started with the introduction of the idea of storing nuclear waste here, which was Citizen Alert. And, Citizen Alert was a very active group that went out to recruit people to be members. They did demonstrations. They had sort of the usual grassroots kind of an organization. There was no need to reproduce that. But, what we did need was an organization that could kind of work on the bureaucratic side. So, I would go to meetings and be able to provide a voice of Nevadans in general, and then listen at the meetings to understand what was going on and be able to come back and tell people just across the board, whether it was a church group or a meeting of Citizen Alert or somewhere else, exactly what the

government was saying and what they had intended to do.

And, there were meetings where you would go and you would be sitting there, and then all of a sudden, it occurred to you that they were talking about health effects. And, the longer you listened and the more you looked at the materials, it was obvious that a health effect wasn't just like getting the flu, it was dying as a result of this project, and it was a person probably most affected, which would be in Amargosa Valley where the water went. Yes.

MS. JOHNSON: Yeah, and this is a graphic about it.

MS. TREICHEL: Yes, this is a person in Amargosa Valley, and he, in earlier versions, they had a wife, the smaller woman, and a child and a dog, who apparently have had a health effect, because they're not there anymore, and I just found that I could have quite an effect on a meeting if I raised my hand and said, "You're talking about a health effect, or a dose receptor. The dose receptor is most likely a Nevada farmer, and a health effect is a dead Nevada farmer." So, I think that should be kept in mind, and it always kind of had that drawback effect.

MS. JOHNSON: But, it also got the public's attention.

MS. TREICHEL: Well, yeah, and it was very interesting. The first time we saw this, the old picture with the family, a guy--it was presented in a meeting, and,

you know, we just looked at it, because here's all these doses that are coming in on these people and their house and their farm and their animals, and a guy from the Department of Energy who had been involved in putting this thing together said, "You know, I want to ask you something. You're from Nevada and I'm afraid this thing is going to offend Nevadans." You know, the only reaction you can give is, "You think?"

Because here's all of this stuff coming in and he said, "Well, I'm talking about the hat." Is this more of a stereotype that would be, you know, to think of everybody as a cowboy with a cowboy hat, and I just said, "I think the hat may be the least of the problems here."

MS. JOHNSON: Well, one of the things about the repository is that it's supposed to contain the waste. But, this clearly shows that the waste is getting out.

MS. TREICHEL: Right.

MS. JOHNSON: So, it's designed to leak?

MS. TREICHEL: Yes. And, I don't think the public ever had that idea. When the Department of Energy came in, they talked about studying Yucca Mountain. They said--they absolutely assured us that having it not be a good site was just fine with them. If all we want to find out is there's no wrong answer here, is the site is good and will contain the waste and will meet all of the rules, great. Then, we

want to build a repository. If it can't meet the rules, if it can't do what we need it to do, we walk and we're plenty happy to do that. And, that was an assurance that was given continually.

And, then, the more you saw about it, the more they were fighting safety standards and regulations and guidelines that they had because the thing obviously wasn't going to be able to meet them.

And, I've always thought it was crazy that you would go out and tell people we want to put this where you live, and there will be only a few health effects, which means only a few people will die. I cannot imagine that you've got any population anywhere that before you know anything about how the site will work, would say hey, sounds good to me. It's a crazy idea.

MS. JOHNSON: Let's move on to the next question.

MS. TREICHEL: Yes, that's fine.

MS. JOHNSON: Judy, we've been talking about the poster behind you that shows what would happen to a farmer in Amargosa Valley. Can you tell us a little bit more about what goes on in Amargosa Valley regarding agriculture and the contacts you've had out there?

MS. TREICHEL: Well, Amargosa Valley is a farming community, and it's home to the largest dairy in the State of Nevada. And, this is a T-shirt that the manager from the

Ponderosa Dairy made at the time that Yucca Mountain was being considered, and he was very much opposed to it because his cows, thousands of them, would be drinking the water, they would be eating the feed, the alfalfa that's growing out there. This is kind of a self-contained operation, where they grow the feed for the cows. They have the water. They do it all. And, about a third of the dairy, I don't know what it is now, but at that time, a third of it was organic. And, the manager, Ed Goodhart, thought that if word got out that they were sharing an aquifer with Yucca Mountain, a nuclear waste dump, that no one would want to spend the kind of money you spend for organic dairy products.

So, yes, this was a serious issue to them, and it was not just a silly fear. We were always accused by the government and the industry of having sort of hysterical housewifey kind of fears attached to this. But, he went to the bank where he had always done business during the time of his farming operation, and they told him that with the Yucca Mountain thing being looked at, any loan they gave him would have to be completely paid off by the time that was estimated for the opening of a nuclear waste repository.

So, that brought it right home, and it clearly showed Nevadans that yes, you could expect some kind of serious economic effects, whether the dump leaked or not, just the fact that it was there.

MS. JOHNSON: I know that there have been a lot of concerns from the State of Nevada and from Clark County especially about what's known as perceived risk, the stigma effects of even just having the dump in the state, or an accident that didn't release any radiation, but it was just an accident involving nuclear transportation. Can you talk a little bit about that?

MS. TREICHEL: Well, we've always thought that-- we've been pretty well convinced that as a repository, Yucca Mountain wouldn't work. It would leak radiation. But, by the time the radiation leak from the canisters was carried off in the groundwater and down so that it came out of the wells at this guy's farm and surrounding areas, that would probably be a few hundred years.

The first thing you would have to worry about is getting all of that waste to Yucca Mountain. And, it would have involved a transportation campaign probably 30 years long, with trucks and trains coming there regularly, daily, on a daily basis, and the railroad tracks and the interstate highway run directly behind the Las Vegas strip.

So, you have people who come here as tourists primarily, who don't have to come here. When a family sits down and decides where shall we go on vacation, it's not necessarily going to be Las Vegas, unless they can be sort of talked into coming. But, they can always change their plans

and go on vacation somewhere else. And, if they have to be driving behind a dreaded nuclear waste truck, or if they're seeing these things on the railway that's running right behind the strip, and if anything goes wrong, you can't see, smell or sense radiation when it's happening, so it's going to be hard to convince them that there's really no problem.

And, I don't think people tend to believe the government or a wealthy corporation anyway when they tell them that there's nothing to worry about. So, certainly not here in Nevada, where that's exactly what they told us when they were setting off bombs in the atmosphere, not to worry. You've got to be really concerned if it's a Russian bomb. But, if it's just one of our tests, everything is fine. We have checked it out, and you don't have to worry.

So, sure, there would be a lot of worry. And, if you did have a release, dealing with a radiation accident, as we're now seeing in Japan at this stage, there's just nothing worse, it never goes away. It never gets done.

MS. JOHNSON: Let's move on to the next question.

MS. TREICHEL: Okay.

MS. JOHNSON: Judy, we hear a lot about the Yucca Mountain site either being safe or not being safe. In front of us is a notepad of different thoughts from the Department of Energy. This one says, "Yucca Mountain. The natural features of Yucca Mountain will work with the engineered

features to isolate the waste a thousand feet below the surface, and a thousand feet above the water table." That was certainly the plan. But, I'm wondering what you think about that plan? What's wrong with the site or what's right with the site?

MS. TREICHEL: Well, when the Department of Energy first showed up to do site characterization, we were told that it was the mountain itself. They were wanting to see if this was a really great piece of rock that could isolate the waste, and once it went in there, you dig a hole, you put the waste in, and it's never there again.

As you see, they came to believe that they were going to need some engineered barriers as well. And, as the project went along, the engineering became more and more and more important. And the fact that Yucca Mountain appeared engineered or designed to leak, as you can see from here, this was the processes in the Total System Performance Assessment when they were deciding how everything would work. You had doses and doses and doses.

So, no, I don't call that safe overall. Our expectation was that they were going to see if this thing totally isolated the waste, and, you had zero doses. And, if they found that that was the case, then that's what they would go with. But, that never was the case, and we saw that instead of the Department of Energy walking away, the things

that were leaving were the rules, regulations, and guidelines. They were continually either being redone or gotten rid of. So, that's the way it continued on.

But, over the years I've been asked to speak to many, many, many groups, particularly schools, and so forth, and I can be invited to almost any class, whether it's a government class and you talk about how the government made this decision, which we thought was completely unfair and just not democratic, you can talk about science, there's history, there's almost everything that Yucca Mountain fits into, and shows that this was a bad thing, a bad decision made in a wrong way.

MS. JOHNSON: Let's talk about something completely different. In the early 1990's, there was something called the Nevada Initiative, which as I understand it, was the nuclear power industry launching a public relations campaign in Southern Nevada to change the public's mind about Yucca Mountain. Can you tell us about that?

MS. TREICHEL: Well, the Department of Energy came in force to study Yucca Mountain about 1987, 1988, after the Nuclear Waste Policy Act had been amended. The thought was they had been either thrown out of or highly opposed everywhere they went around the country when they were trying to do a siting process. And, the thought was that Nevadans would just be okay with this thing because we seemed to be

accepting testing. And, we had a large work force at the Nevada Test Site, so it meant jobs, and so forth.

Well, when they got here, they found that wasn't the case. People didn't welcome this in. This wasn't national security, like building up a nuclear weapons stockpile. This was doing a favor for a very wealthy international corporation or series of corporations, the utilities. And, they just wanted to dump something, and we became the target for that dump. So, no, people did not go for it.

So, one of the groups that was sort of the lobbying end of the nuclear industry put together a thing they called the Nevada Initiative, where they thought they could win over the people of Nevada. And, they came out and they recruited some newscasters that were familiar faces to people here. There was a sportscaster and a couple of other people involved in T.V. news, and people were used to getting factual information from them. So, they thought, well, if we get these guys and we start spilling it out, well, before this ever started, a person who worked for another public interest group somewhere was able to get a copy of this thing called the Nevada Initiative, and gave it to us here in Nevada, and said, "Look at this thing that's coming."

And, it was almost unbelievable. It had their strategy where they were using sort of military language

about establishing a beach head, and getting to women that were in their thirties and early forties, because these were the people that could probably influence their husbands, certainly their children. And, it just kind of--being able to change the minds of people in order that they would see that this was a good thing.

I can't remember if benefits, if they were going to tout some sort of benefit for it, or whatever, but because we knew it was coming, we met it head on, and it became really a marvelous exercise for all of us, because it was such a joke.

And, one of the larger auto dealerships here were using the Yucca Mountain man in their ads. A couple of drive to work disk jockeys increased their ratings tremendously by doing spoofs about the ads that were running on T.V. for the Nevada Initiative. And, it was a miserable failure, very expensive failure, but didn't go anywhere at all, and probably solidified opposition, because people who had never heard of Yucca Mountain heard it now, and saw the ridiculousness of the hard sell.

MS. JOHNSON: Let's move on to the next question.

Judy, on the table here, we have a hat, male hands shaking, "The study is great. Now negotiate." And, then, it says, "Yucca Mountain." Can you explain what this is? And, does it relate to that Nevada Initiative you just talked about?

MS. TREICHEL: Well, before the Nevada Initiative, there was a group set up here called the Nuclear Waste Study Committee. And, each of the sites that had been named as a possibility for the nuclear waste dump had one of these groups set up, and it went through public relations people, or something, in each area.

And, I can't remember if it was before the Nevada Initiative, but certainly during and after. Anything called Nuclear Waste, where there was a promotion of Yucca Mountain, was just immediately opposed by people. So, they suddenly stopped calling this the Nuclear Waste Study Committee, and just called it the Study Committee, which I always felt was a little hazy, call yourself, I mean, it almost begs any question around.

But, they came up with these hats for a meeting, when they were trying to encourage union people and the trade unions particularly to join them and promote the Yucca Mountain project with them. In some cases, with people who were out of work, they were somewhat successful, but not with Nevadans as a whole.

And, so, this was their attempt at getting something done, and this committee just kind of got less and less and less effective, and finally just sort of died out. It went from being very well financed, where you could make hats and you could make all kinds of stuff, and they were

being financed by the nuclear industry, and it finally occurred to the smart--the sharp pencil people that they weren't getting anything for their money. So, it sort of died out.

MS. JOHNSON: Let's move on to the next question.

Judy, you've been attending the meetings of the Blue Ribbon Commission on America's Nuclear Future for about a year and a half now, since they started meeting. Just last week, they released some subcommittee recommendations. Can you tell us what they are thinking and whether you think they're on the right track?

MS. TREICHEL: Well, at the time in the beginning of 2010, about a year ago, the Department of Energy decided that they were not going to do Yucca Mountain, so they put in a filing, a petition, I guess, to the Nuclear Regulatory Commission to withdraw their license application. And, they just said Yucca Mountain is unworkable, we're not going to do that. And, they set up--the Secretary of Energy set up a Blue Ribbon Commission to decide what they should do instead of Yucca Mountain.

And, they've been meeting to get public input, and they do have three subcommittees, and those committees have not actually put out so that you can see their whole report, but they did, a spokesperson from each committee did a presentation at the most recent meeting last week to say what

they had heard, and the sorts of things that would be in their reports when they come out at the end of the month.

One of the things they are adamant about, and we could see this shaping up as time went along, was the necessity of having a willing host, a volunteer site, which certainly Yucca Mountain and Nevada had not been. And, it was clearly not a volunteer site, since way back in 1989, and there have been legislative moves before that time, but in 1989, there was a law passed, a bill passed saying that waste could not be imported or stored, high-level waste, in the State of Nevada. And, then, this is the pen that Governor Miller used to sign that bill. And, it was considered a very big deal in Nevada, and it made a banner headline in the newspaper.

And, Nevada has never changed. There have been polls done state-wide since then, and the opposition has always been somewhere between 70 and 80 percent opposed. Those who are not necessarily in the absolutely opposed column, in many cases, just think it's inevitable and probably silly to put up a big battle about it because it's going to happen. If the government wants to do something, they just will, which I don't agree with.

But, the Blue Ribbon Commission, number one, thinks that if you have an away from reactor interim storage site, like a monitored retrievable storage, it would have to be at

a willing site, and if you have another repository, you're going to have to find a community within a state, and they both have to agree that this is something they want to do.

They also were encouraged by some that they should recommend reprocessing to make the waste--some people try and call it recycling, which it's really not, but to melt the waste down to reuse parts of it. They don't seem to be going for that.

So, I've been pleased, except that they do seem to be on the verge of advocating interim storage, finding one or more sites where they can move the waste away from the reactors to store it in a consolidated centralized site. And, I think that's probably not a good idea because the waste is safest where it is now, which is at the reactor site. If it comes out of the storage pools as soon as is possible, that's one of the problems we're seeing now in Japan, some of the big waste worries that you have there with the Fukushima plants, are the fuel pools that are above the actual reactor site. And, when there were explosions within the building, the explosions went up and the pools were damaged. And, they've got an incredibly horrible mess.

One of the things that I'm upset about is the Fukushima situation is being used by the nuclear industry particularly to say ah, well, we should go to Yucca Mountain. Yucca Mountain is the closest we are to a repository. We

don't want to have what's happening at Fukushima happen here. And, that's a bogus argument, because waste has to go in the pool for at least five years after it comes out of the reactor, it's that hot and that radioactive that you have to wait at least that amount of time.

After five years, yes, I believe waste should definitely come out of the pools, and it should go into dry casks at the--

The one thing that the country knows how to do as far as nuclear waste is concerned is to put the waste out of the reactors into dry casks that sit outside of the reactor building. They don't need any human intervention. They are cooled naturally, and the waste is kept in a safe configuration there. That, we know how to do.

We weren't doing much in the way of dry casks when Yucca Mountain first started, so the big fear at that point was that the nuclear industry would have to shut down if the waste couldn't be taken out of the pools. Well, now, we're able to do that. And, it can stay there, and some people believe that there is a danger also in putting waste all in one spot, whether you have a repository or an interim storage site or whatever. This way, you have those dry casks, they're at the place where the waste was generated, and it's just the safest thing we can do right now.

And, we should never be making long-term decisions

because we think we have an emergency and we've got to do something. And, that's generally the way that they have tried to make this thing sound. So, that well, we have to do this. It may not be good, but it's better than that. And, you've got to take that out of it if you're going to make a rational good decision.

MS. JOHNSON: It's interesting that at one point, the nuclear industry said they had to have Yucca Mountain absolutely right now, because the waste was building up all over the country. And, then, later when their political fortunes changed, they changed, too, and said well, we don't really need it right now. We could do more dry cask storage and manage it successfully.

MS. TREICHEL: Right. And, there are a lot of things that go into these philosophies that they adopt. Sometimes, it's just because there was a change in management or new people come in. And, we have seen, I think we have worked through eight Secretaries of Energy, I don't know how many directors of the program, and each time, it was always forget what they said. This is a new day we're doing things, we're all going to get along now. Everything will be fine. And, of course, it just comes back to being the same old thing.

But, we were told for a very long time you could not introduce nuclear power into this. We were only talking

about the waste. This was not an argument about whether or not you should have nuclear power. It was just to deal with the waste. And, then, when things changed, it was oh, oh, nuclear power is absolutely required to get us--to avoid climate change and global warming, we have to have nuclear power, ergo, we have to have waste disposal.

So, that's been one of my pet peeves. Nobody has ever defined the problem. I don't know what problem they are trying to solve. If the problem is nuclear waste, I would guess it's like a leaky sink in your kitchen. You turn off the water first, and then you deal with what's going on after that. But, you were never able to say well, maybe we shouldn't have nuclear power. That's finally starting to be discussed now, since Fukushima, and it's dreadful that you have to have a disaster like that, but we do and we're here, and several countries, like Germany and Japan itself, have decided no new nuclear power here. And, I think that discussion is going to be carried on louder in the U.S. than it is right now.

MS. JOHNSON: Over the years, you've seen many reversals of fortune on the Yucca Mountain Project. I think at one point, you characterized that it's sort of like watching a daytime soap opera, because it goes from extremes to extremes. Can you talk about that a little bit?

MS. TREICHEL: Well, it was like a soap opera,

until they decided not to do it anymore. But, you could almost always be gone for a while, come back and pick up right where you were. The players may have changed, various things may have stopped or started, but it was always just sort of this relentless march toward the final goal.

And, I always thought that we would win in the end, but I wouldn't have bet a lot of money. But, I really thought that because so many things were wrong with it, that we eventually would prevail in the end. And, that's the only reason I stayed on with this. I did it through a generation. My children were very small when I started, and now my grandchildren are not small anymore. So, it's been a very long time. And, you give up a lot to be able to do this stuff. And, it's very difficult because you don't have money.

I figured out that over the course of this thing, the Nevada Nuclear Waste Task Force that I'm with operated on one-ten thousandths of the money that the Department of Energy got each year. They were getting about a million a day. We were operating on, which would be about 350 million, we operated on about 30,000 per year, to their 350 million.

So, it was very difficult, and the only way we could do it was by being flexible, by being inventive, by having a lot of friends, like the cartoonist, the editorial cartoonist at the two papers have been wonderful. They have

done some marvelous cartoons. Some of them, we have gotten the originals and we were able to auction them off. You know, we sort of operated on a bake sale economy rather than the huge amounts of money that the nuclear industry and the government have. So, it's been very hard.

MS. JOHNSON: Finally, I think I want to ask you about the challenge of inevitability. You just touched on that a little bit. But, I want to have you explain the culture of inevitability that you were constantly struggling against.

MS. TREICHEL: Well, as I told you earlier, we came to Las Vegas from Minnesota because the weather was just too tough for--my husband at that time did outside construction. So, it was a very difficult climate for that. And, we came with the idea that we'll see how this goes, and if we don't like it, we can go back or we can try somewhere else. That's generally the reason people come to Las Vegas, is they need a job, or there's been problems where they are, there's either environmental problems or economic problems, or something, and they leave to try Las Vegas. So, they don't have ties here. This isn't where their grandparents lived. They don't have extended family.

And, it's very hard to get people to get involved in an issue that's so long-lasting. You're talking about something that went on now for 30 years at this point, and

we're talking a million years in the future for a repository site. So, to go out and continually keep telling people this is really important right now, this is the time you've got to show up.

And, I had my kids leaning on their friends to try and get people out, promising people if you just do this, you don't have to come to my funeral, just show up now at this time. And, we were successful in getting some decent crowds when there was a really important time about this.

But, to have membership or to have people really take this on as a long-term issue that they were going to pay attention to was virtually impossible. So, when you would hold a meeting, or you would hold an event, you always held your breath until at least the first couple rows were filled with people. But, we have had no-shows, and it's been very, very tough.

And, an example of that, at one time Greenpeace, the international organization, came in here before they were very disgusted at what the Yucca Mountain Project looked like, and they were here for probably a year, with various activities, and then they just said, "We generally are effective when there is a threat or a project, and you go in and you do a big splash and it either succeeds or it fails, but that's what we can do for you. And, there's nothing like that about this project, so we wish you a lot of luck. But,

we're going to go on to saving some seals, or something."

MS. JOHNSON: Let's move on to the next question.

Joining us now is Steve Frishman, the long-time technical and policy consultant for the State of Nevada's Nuclear Waste Project Office and Agency for Nuclear Projects.

Steve, there's a couple of meetings that you and Judy attended on behalf of or with Eureka County. One of them was a workshop in Crescent Valley to help residents of Crescent Valley prepare for the Draft Environmental Impact Statement hearing. Can you tell us a little bit about that? And, this is the flyer that we used, just to refresh your recollection.

MR. FRISHMAN: Yes. One of the things we thought was important to do was to help people understand, first of all, what an Environmental Impact Statement is, and more important, we get people comfortable with the public process that's involved with an Environmental Impact Statement. So, you know that you can make comments. You know that you don't have to read a thousand pages to get there. You can pick out something, just one issue that's important to get on the record. And, it's sort of an intimidating process unless you know ahead of time that your comment is as good as anybody's comment.

So, what we did was held a workshop in Crescent Valley that was remarkably well attended. I was really

pleased to see that it was a real representation of the community. And, it included people who were, you know, environmentally concerned. It included people who had connections to mining. It included Native Americans. And, whether they agree on many other topics, they all were very much in agreement about needing to be effective in their commenting to the Department of Energy. Primarily, they did not want a rail corridor coming through Crescent Valley.

So, now, what's the most effective way to get that message across? And, we held exercises and had small groups telling people it's okay to just say no. And, telling people where they could look in the Environmental Impact Statement to find just a paragraph that they might want to talk about.

So, overall, it was very effective, and it contributed to the Department of Energy getting barraged by comments on this Environmental Impact Statement. They, overall, in the course of the hearings that they held, there were over 12,000 public comments that the Department had to categorize, had to respond to, and it convinced the Department that yes, there is really big interest over this.

And, one of the things that the Department was constantly trying to do was tell people that their comments were not in scope. Meaning if you just say I don't like Yucca Mountain, well, that's not in scope because it's not a question whether you like it or not. So, what we were trying

to do is get people to say just enough to where the Department could not say you're out of scope. And, that way, people are confident that what they're saying actually has some meaning. And, I was sort of amazed at how people caught on once they understood what the process was. So, I saw that as a very successful undertaking.

MS. JOHNSON: We had transcripts--we have transcripts from the actual public hearings that the Department of Energy held, and I've looked through them in, well, preparing for this project, and I can say that the work that was done at that workshop is definitely reflected in the quality of the comments that we got that night, and that day. We had standing room only that night for the hearing in the Crescent Valley Town Center.

MR. FRISHMAN: That's what we were hoping for.

MS. JOHNSON: It worked.

Steve and Judy, the three of us went to a meeting that the Nuclear Regulatory Commission held in Beatty, Nevada. It was about setting the radiation standards for Yucca Mountain, what was an acceptable dose, I believe. Can you talk about that meeting, and your recollections of that meeting?

MR. FRISHMAN: Well, the Nuclear Regulatory commission has, first of all, made it very clear that you can't have a repository that doesn't leak. And, so, the

radiation standards are set to set some level of exposure that they say is acceptable. And, this has been controversial throughout because the idea of geological disposal is that the waste stays where you put it underground. And, this is a regulatory recognition, that safe in the regulator's mind means somebody is going to get an exposure to radiation.

So, in this meeting, they were trying to explain why the standards are considered safe by them. And, the standard is largely based on the--on an average person, and a question came up that was very interesting. There was a proposal for what we considered to be a fairly high dose to be acceptable, and the question came up about is this the dose to sort of the most resistant individual, which is like a, you know, 20 to 40 year old male, and the question came up did you consider that young people, children and pregnant women, are more susceptible to radiation dose damage than the standard sort of tough guy. And, the answer was no, and we don't need to.

And, this sort of flabbergasted everybody, we're in the name of, sort of defending against those who are concerned about radiation dose, they just say one size fits all and we say it's safe, so, therefore, you must say that it's--or, must accept the fact that we say it's safe.

MS. TREICHEL: Well, one of the outlandish things

was the fact that you were probably going to get a dose through drinking water, and they said that kids don't like water. Children don't tend to drink much water, so, therefore, their dose would be somehow equivalent to this standard man. And, the audience just plain didn't buy it.

MS. JOHNSON: Wasn't there also a confusion between the radiation standard for the Waste Isolation Pilot Project in New Mexico, and the radiation standard for Yucca Mountain? I recall wondering why the same standard wouldn't apply to both repositories.

MR. FRISHMAN: It was primarily because you had, essentially, a different view at a different time for one repository versus the other. And, statutorily, they're not linked. Regulatory linkage is not there. So, they set out on their own, and it was at a time when there was real concern about a safety standard for Yucca Mountain, and what we say the Department of Energy and NRC and EPA doing was essentially saying that Yucca Mountain is the standard. And, whatever we think Yucca Mountain is capable of in terms of releases, then that's what the standard is going to be.

For the Waste Isolation Pilot Project in New Mexico, the standard was set and pretty well understood, and it was set based on being consistent with other NRC and EPA standards. Yucca Mountain was out on its own.

MS. JOHNSON: I want to move on and ask you a

question about your experience in the many times that you have toured Yucca Mountain. I know you've gone probably hundreds of times on tours to and through and into Yucca Mountain. Can you talk about your experiences and observations about doing that?

MR. FRISHMAN: I think we have been a few hundred times, and with all kinds of groups from media people, from Japan and Italy and all over the world, to school groups, to trade groups, to university students, and even Congressional staffers and members of Congress themselves.

And, the Department makes sort of a show about it. There is really nothing that they do that tells you about the real science of site characterization. You get to see a tunnel boring machine, which is a monstrous piece of equipment that built a 25 foot diameter tunnel for about five miles through Yucca Mountain. You get to see the ventilation system in the tunnel, which is sort of standard mining equipment. You get to see the rail that's used for transporting people and equipment in.

But, then, you get a little bit of a lecture in one little side tunnel that talks about how they were trying to see how, you know, fluid would move through a fault, because there's a fault right near where this little side tunnel is. But, it's mostly impressive to people just because it's a monster engineering job, and you have a lot of building in

it. If you didn't know what it was, it looks pretty much like other--the entrance to another big mine. So, it's sort of a gee whiz type thing.

And, it was kind of interesting, at one point, we were with a group of Congressional staffers who, part of the tour is to go up on top of Yucca Mountain, and on a clear day, you can see over 100 miles, and you can see the mountain ranges around, and the Congressional staffers were being lectured to about what a great place this is for nuclear waste, and I overheard a few of them, sort of in the back, discussing what a beautiful place this is. Why would you want to screw it up with nuclear waste. So, the whole premise was sort of failing.

But, the tours were very popular. They, for a while, were actually running monthly tours that people could sign up for, and it turned out that, you know, anecdotally, we found out that there were people who were actually taking the tour every month, and that was back when they were giving out free lunches with the tour. So, it became sort of an event, and the Department of Energy, you know, kept track of how many people went, trying to prove the popularity of Yucca Mountain. And, they had this what they always claimed was an unscientific survey where they would ask people what they thought of Yucca Mountain when they got on the bus in Las Vegas, and then ask them what they thought of Yucca Mountain

when they got back off the bus, after the tour.

And, they would give us these miraculous numbers about how many of them changed their mind and what a great science project this was, and so on. It was a public relations thing. And, sure, there were people who were interested in seeing it for many different reasons, but nothing on the tour was actually convincing about whether it would be safe for nuclear waste or not.

One of the things that got us on those tours so often was that we occasionally would be told by people who went on a tour what the tour leaders were telling them about Yucca Mountain. And, we were sort of indignant about the extent to which they were misrepresenting what was going on there.

So, through a period of time, and some fairly tough negotiations, we got the system put together to where if the tour group, or a representative of the tour group, asked that we go along, then the Department of Energy could not say no. So, that's how we got onto a lot of tours. And, we found that our presence on the tour sort of kept the Department of Energy from misleading people about what was going on there. And, it was because we weren't shy about interrupting them when they were telling people things that were absolutely false. And, they got kind of used to it, and it got to the point where it was almost a joke with some of the regular

tour leaders, where if we were at a time when we weren't antagonistic towards each other, we would be able to sort of joke well, do you want to give your story, or should I give your story, because we knew each other's story that well.

But, overall, just our being present made a difference in what people were told. And, we thought that it was sort of an obligation to keep the Department of Energy from misleading people about what was and wasn't going on with Yucca Mountain, and, the question of what would make it safe and what would not make it safe.

MS. TREICHEL: Some of the ones that were my favorites were when some of the officials came. At one point, we went with the Chairman of the Nuclear Regulatory Commission, and at another point, the Director of the Civilian Radioactive Waste Program from headquarters, and I was always very irreverent. Steve had to sort of be somewhat respectful. And, as a representative of the people, I didn't feel that I needed to put on any kind of a show. And, I remember when we had the tour for the Chairman of the Nuclear Regulatory Commission, we were all sort of staged in the tunnel, and placed in places, because they were making film to show her taking this tour and taking a look at the site first-hand.

And, they would tell you, "I would like you to smile. I want you to take that hat off. I'd like you to do

this or that." And, I thought it was so bizarre that they would use us as props in this whole thing. And, at one point, I was sitting next to the Director of the Radioactive Waste Program, and we were in the train, and the conveyor belt was pulling the rock that was being dug out ahead of us out of there. So, the train is going by and you're getting this stuff falling on you, and rock is these little pokey things that were hurting. And, so, I told him, I said, "This is insane. Here we are being hit with this stuff." And, at various points, you would see terrible faults in the rock, and so forth, and I could point those out, and he was kind of rolling his eyes.

But, it was really fun because the staff that was there to conduct the tours, unlike when school kids would go and they were being given a bunch of baloney from these people, or when other tours would go and it was this hard sell, the tour guides on these tours were very nervous and very much worried about what their bosses would be saying.

But, that incident when I was with Dan Dreyfus sitting in the train and the stuff is falling on us, was part of what made Steve and me eligible for a class action suit that was being put together for people who were exposed to enough silica within the mountain, primarily the miners, but anybody that was there a certain number of times, and we had exceeded that number of times, was encouraged to join this

suit in case you would ever get silicosis.

And, the case eventually was settled and ended when the miners were paid off a certain amount of money. I don't know that it was disclosed. But, there were, what, two or three people who died and there were a few who had silicosis, who would be dying, and probably have now.

MR. FRISHMAN: And, there was one who--many of the miners had worked in other mines, but there was one person who had never worked underground except at Yucca Mountain, who within about four years of when he worked there, came down with silicosis. And, so, there's no claim that you got it someplace else

And, at one point, the miners almost walked off the job, because during their lunch breaks, you know, they were staying with the mining equipment, and they had what they called a lunchroom as part of the trailing gear on the tunnel boring machine, and the dust was so heavy inside their lunchroom, that they were literally eating dust while they were eating. And, they threatened to walk off the job, and then things started cleaning up a little bit, but not much.

MS. JOHNSON: And, is that because the Department of Energy is self-regulating for mine regulations?

MR. FRISHMAN: The Department of Energy made an agreement with the Mine Safety and Health Administration that MSHA would only be advisory, and the Department of Energy did

not want them regulating. And, they made a case that this is not a mine so, therefore, you don't have jurisdiction. And, MSHA went for it.

MS. TREICHEL: Well, I think it was money. They wanted to make time in that tunnel. They had all these signs up all the time, and we were getting notices, or the State was getting notices periodically about how many meters they had gone, or how many feet they had gone in how much time, and every one of those minutes and every inch of that tunnel cost a whole bunch of money. And, they didn't, I guess if you provide respirators to miners who are in there, you have to pay them, what was it, a dollar additional an hour.

MR. FRISHMAN: A dollar and a half an hour.

MS. TREICHEL: And, they were slowed down. It's hard to work in all of that, and it's hot. So, they just decided to do it the quick way and see if you could get by with it.

MS. JOHNSON: Steve, Judy, thank you very much for your time.

MS. TREICHEL: You're very welcome. It's a pleasure.

MS. CLANCY: And, from behind the camera, this is Gwen Clancy again. And, we will be using this footage in two ways, one to take excerpts to put on the website, and also as full length DVD versions of the total interview. And, those

will be for archival purposes for researchers. So, we want to know if we have your permission to use the footage in those ways.

MR. FRISHMAN: Yes.

MR. TREICHEL: Yes, you do.

MS. CLANCY: Thank you very much.

(Whereupon, the interview with Judy Treichel and Steve Frishman was concluded.)

TRANSCRIBER'S CERTIFICATE

I hereby certify that the foregoing has been transcribed by me to the best of my ability, and constitutes a true and accurate transcript of the mechanically recorded proceedings in the above matter.

Dated at Aurora, Colorado, this 23rd day of June, 2011.

s/s Mary Chevalier

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