Table J-2. DOE responses to comments on Draft EIS (continued)

Comment number	Comments	Responses

TESTIMONY OF WILLIAM F. LAWLESS
APRIL 30, 1986, BEFORE THE
ALTERNATIVE COOLING WATER DRAFT EIS
PUBLIC HEARING

Review Comments: Alternative Cooling Water

Systems DEIS (DOE/EIS-0121D)

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April 30, 1986

Review Comments: Alternative Cooling Water

Systems DEIS (DOE/EIS-0121D)

The recommendation of cooling towers in the Alternative Cooling Water Environmental Impact Statement represents a positive step forward. The Cooling Water EIS recommends a cooling water tower alternative instead of the cooling lake that was choosen for the L-Reactor. Nonetheless, this EIS is a highly technical document, but it has been written by experts for the purpose of informing a technically unsophisticated public about a subject few have the time, energy or inclination to validate.

Table J-2. DOE responses to comments on Draft EIS (continued)

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AL-1	EIS statements are a step forward in their own right, because researchers with the inclination can delve into these studies. Yet, few researchers will review an EIS. Even fewer have the training to understand the doubly technical meanings, and still fewer have the experience to know what to look for unless they already work for the DOE. For example, during a recent talk in Las Vegas, I made a reference to the contaminated basins on the nearby Nevada Test Site. One person in the audience, a DOE contractor employee, denied that contaminated ponds were in use at the Nevada Test Site. However, a copy of the recent Nevada Test Site monitoring report, which discussed contaminated ponds at the site, resolved the issue. Whereas the experience and training were available to offer insight into that situation, that is not always the case, and this EIS is a different matter. No local independent group of qualified technical individuals in the Central Savannah River Area is paid to devote full time to a peer review of this EIS and to provide insight into what this EIS will mean to the citizens of this area.	This EIS has received extensive independent review by several agencies and groups with specialized expertise in evaluating the data and impact assessments provided in the EIS. In developing the EIS, DOE utilized most of the reference material contained in the L-Reactor EIS, used standard methodologies and relied on scientific and other sources of data compiled from more than 200 publicly available documents that had been developed over the past 30 years, including data from ongoing studies. Selection of the alternatives discussed in the EIS was based on the Thermal Mitigation Study that was submitted to the State of South Carolina as required by Consent Order and was subsequently approved. The environmental data utilized in the EIS to assess impacts was primarily derived from the DOE Comprehensive Cooling Water Study which was required by Consent Order with the State of

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		South Carolina. As discussed in Chapter 5 of the EIS, the State of South Carolina, the State of Georgia, the U.S. Environmental Protection Agency (Region IV), the U.S. Fish and Wildlife Service (Region IV), and the U.S. Army Corps of Engineers participated in this study in a review and advisory capacity. In addition, reviewing agencies provided comments on the scope of the EIS at a public hearing and on the draft EIS at a public hearing and during the 45 day public comment period. DOE provided working drafts of the EIS to the State of South Carolina and the U.S. Environmental Protection Agency (Region IV), met with their representatives, and incorporated their comments into the EIS. All required consultations with agencies on endangered species, historic preservation, habitat evaluation procedures, and permit requirements were completed and discussed in the EIS.
AL-2	A lack of oversight can lead to abuses in the continued use of obsolete practices and equipment. The abuses and antiquated practices used by the engineers and scientists at the Savannah River Plant in the past have been well documented. As *examples: the coverup of corrosion-pitting in the* high-level waste tanks; coverup of the strontium-90 contamination in turtles at an Savannah River Plant seepage basin and found off the plant in a commercial hog farm; the use of cardboard boxes to dispose of radioactive wastes; the contamination of the Tuscaloosa aquifer and drinking water at the plant for at least two years without informing Savannah River Plant employees and so forth. These	A discussion of high-level waste, Savannah River Plant waste management practices, and containment of radionuclides is outside the scope of this EIS.

Table J-2. DOE responses to comments on Draft EIS (continued)

Comment number	Comments	Responses
	abuses stopped only when the public began to find out about these practices performed by Department of Energy - Savannah River Plant engineers and scientists. But, many other abuses continue: for example, seepage basins, the lack of containment domes on the Savannah River Plant reactors; and the injection of solvents into the air at the Savannah River Plant.	
AL-3	When scientists and engineers operate in a bureaucracy behind closed doors without public oversight or input such as has happened at the Savannah River Plant, abuse is inevitable. When the public gains insight, the exposed abuses stop or are slowed. The Cooling Water Environmental Impact Statement is a difficult document to review within the alloted time. A competent technical review of this EIS should take three to six months, with qualified individuals that have the right to ask the Department of Energy questions and the right to have those questions answered. That last point is very important. Three weeks ago, on April 10, 1986, I was invited to Congress to discuss the new DOE rule on by-product management. The by-product rule redefines most radioactive waste as by-product exempt from EPA and state hazardous waste regulations. The by-product discussion was planned to include introductory statements from both the DOE and a second panel of which I was a member. The introductory statements were to be followed by questions from Congressional members of the subcommittee to both panels in order to debate the by-product rule before Congress. Although DOE made their initial presentation, DOE refused to honor its commitment to participate in an open discussion between the two panels. Three times during the hearing, Congress requested that DOE stay for the peer panel discussion, but to no avail. The Department of Energy walked out.	See response to comment AO-1.

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	Secretary Herrington of the Department of Energy claims that the DOE environmental programs are aggressive and that DOE is doing a good job of protecting the environment. Admiral Foley, Assistant DOE Secretary for Defense Programs, stated at that April 10th Congressional hearing, that the public will be the ultimate judge of the waste management job done by DOE. He said this just before he and Mary Walker, who is DOE Assistant Secretary for Environment, Safety and Health, walked out of the meeting. If the DOE programs are aggressive as claimed by Secretary Herrington, the DOE should not be afraid to defend its work before the public.	
	What is needed to properly review this cooling water environmental impact statement is a local independent peer review group composed of technical and non-technical members from the CSRA community affected by this and other EIS statements yet to be presented to the public. This peer review group should be funded by DOE through the State of South Carolina but remain independent of both. Precedents have been set in New Mexico at the WIPP facility and Oak Ridge. Both are as a result of lawsuits filed by the states. The peer review group would have the right to access any technical information or have their technical questions answered. EIS documents would be reviewed by the independent review group, and not presented to the public until their review was completed.	
	For too long, scientists and engineers at the Savannah River Plant have held the upper hand over information released to the public. This practice has led to abuses by an unchecked bureaucracy. Congress has drafted legislation that may lead to the end of this self-regulation by the DOE.	

Table J-2. DOE responses to comments on Draft EIS (continued)

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	Whenever scientists and engineers do not include the public in their decision making process, as in the self-regulation practiced by DOE, the public is held hostage to their work. Not only should such practices cease because the public is excluded, but because such practices are wasteful, and lead to wrong decisions--decisions that are too often destructive to the environment, the public, and the Savannah River Plant employees. An independent peer review group would provide an important check and balance to the work done at the Savannah River Plant. A local peer review group would establish a partnership between DOE and the public, and it would help improve the Department's credibility. When DOE describes its environmental programs as aggressive, that is just a play on words. However, establishing an independent peer review group would give DOE a chance to put those words into action. In closing, I would hope that the day for self-regulated bureaucracies is almost over. Thank you.	