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EIS PROJECT - AR PF
Control # DC-42

UNITED STATES DEPARTMENT OF ENERGY

PUBLIC COMMENT HEARING ON

IDAHO HIGH-LEVEL WASTE

AND FACILITIES DISPOSITION

DRAFT ENVIRONMENTAL IMPACT STATEMENT

THURSDAY, MARCH 2, 2000

TRIBAL BUSINESS CENTER
FORT HALL, IDAHO

Reported by:
Kimberly Carpenter, CSR #600

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which you represent it.

If the court reporter is having trouble hearing you or keeping up with you, she may ask for your help in ensuring that the record of your comments is as complete as possible.

We will now begin the formal comment portion of tonight's hearing. I want to stress that this is a formal hearing and a recorded proceeding. A full transcript will be prepared.

I do want to take this final opportunity to thank you for attending this hearing and for your cooperation in observing the procedures I have outlined tonight.

Our first speaker tonight will be Mr. Dennis Donnelly.

MR. DENNIS DONNELLY: Is this the microphone you want to use?

THE FACILITATOR: Yes.

MR. DENNIS DONNELLY: I'm Dennis Donnelly. That's D-E-N-N-I-S, D-O-N-N-E-L-L-Y. My mailing address is 56 Tulane Avenue, Pocatello, Idaho, 83201.

42-1 IX.C(2) I first want to say that there has been too little time to prepare a formal commentary. This is not a formal commentary that I would

respect because there's been so little time.

As one example, last weekend I went to the library at Idaho State University. I happened to be in it. And I asked for copies of these books which are listed as being kept there. And the staff couldn't find them for me. They hadn't been indexed yet in their finder system. And it's not pretty. This is way too rushed. I've been gone on business for a week and have had little time to spend with these materials.

42-2
VIII.C(1)

However, I want to repeat my question formally about the total toxicity of the materials that are held as radioactive waste in the INEEL reserve, or whatever it is, in the form of the total known radioactive material to be held up there as waste and the total radiotoxicity and chemical toxicity of these materials.

If they are diluted by water to the maximum permissible concentrations for release to the public for drinking use, how much water would it take, and compare that to the level of the amount of water in the Snake River Plain aquifer.

So, the question is: How many aquifers would it take?

42-4
III.B(3)

The second question has to do -- or comment has to do with the assumption that's built into the EIS. When retrieving the high-level waste, it is based on the assumption that the waste can be literally vacuumed out of those tanks, that it is vacuumable, that it can be suctioned out, that it hasn't caked up.

That is an assumption stated in the -- in the process, and apparently has never been tested empirically. These people are going to go in there after they have built their processing procedure, and they may find that the waste is not going to work, to be transported again by air -- it was blown in there by air. But it may have caked up and may not be vacuumable.

And it's -- to me, it speaks of very little preparation of this Environmental Impact Statement. They don't know if their whole project is doable.

42-5
IV.A(1)

I would like to stress that the -- there is a preferred alternative, as far as I'm concerned. Without a question, it is the clean closure alternative. Without a question, I want

to see all these wastes removed and the land returned with no radioactivity above background, so it's available for full general use.

42-6 X(10)

I would like to address the costs involved. I hear rumors that it will be billions of dollars. I want to say that the -- the apparent cost to make this mess in the weapons business is like three thousand nine hundred billion dollars.

And, to me, it would be nothing to ask for something like $30 billion to clean up the mess they made with three thousand nine hundred billion dollars. Please ask for a great deal of money. The pockets are deep. We want this mess cleaned up, and cost should not be an issue.

42-7 IX.D(1)

There is a history of a promise by Glen Seaborg, the chairman of the Atomic Energy Commission in the '70s -- in the '60s. He said he would come and clean this waste up. The promise is published in a document called ERDA 1536. Please read it and know that we have a promise before us at the very highest level of the Atomic Energy Commission.

Thank you very much.

THE FACILITATOR: Thank you.

The next speaker will be Mr. Blaine Edmo. And following Mr. Edmo will be Beatrice Brailsford.

MR. BLAINE EDMO: Good evening. My name is Blaine Edmo. I represent the Shoshone-Bannock Tribes as a member of the Tribal Council.

Probably the main focus that I would like to address to the group here tonight in regards to the EIS relating to the high-level liquid waste is that I'm not a technician, nor do I purport to be, relating to any of this information that you presented here today. What I'm speaking for is on behalf of our general populous here on the reservation.

We have approximately 4,500 Tribal members, as well as a number of other non-Tribal members and non-Indians who reside here on the reservation. This is our home. We're going to be here for perpetuity.

The sad part about this whole thing is that we have a legacy here that is going to probably live beyond our generation. And I say that after having listened to the comments and some of the documents that I've had the opportunity to review, although not in totality.

4201-1
IX.D(1)

My concern is that this legacy with the high-level liquid waste will live beyond our lifetimes. And I think it's a sad commentary for our society in general.

I know we have all of the assurances that the technology has proven that we will have the waste out of Southeast Idaho by 2035. I, myself, am very skeptical. I do not believe that the Department of Energy, you know, right or wrong, will live up to their word. I do not

4201-2
VII.D(5)

believe that the State of Idaho, in meeting their agreement with the Department of Energy, will have the clout to make them live up to that legacy or the promises that they've made.

And I find it really ironic that Dennis would quote this gentleman from the old Atomic Energy Commission who made these promises. Well,

4201-3
IX.D(1)

I think DOE has a legacy of promises that are unfulfilled.

Most recently, the Tribes were involved in some other promises that were made by Secretary Richardson himself, which we found to be not only untimely, done without consultation with the Tribes, and done in a very haphazard manner, without any regard to our standing or to

our place here in Southeast Idaho.

So, you know, whether it's this gentleman from the past or whether it's our current DOE manager or Secretary of Energy, you know, I find it hard to believe that they will live up to these promises.

4201-4
VII.E(1)

I would like to also comment that the Shoshone-Bannock Tribes has a unique status here in Southeast Idaho that no one else can claim. And that is the simple fact that we have a treaty signed and executed and recognized by the United States government.

The United States government, whether it's the Department of Energy, the EPA, or any other federal entity or agency, you have a trust responsibility to the Shoshone-Bannock Tribes as a government and as a people. Whether you wish to live up to that, whether you wish to recognize that, is your problem. We recognize it. We expect you to live up to that legacy and that promise as a federal trustee to our people.

It's been commented many times -- and I think a lot of people are probably tired of hearing it -- but we say that a treaty is the law of the land. There is nothing else outside the

treaty of the Tribe and the United States government that we would accept or recognize. All of the administrative actions done by the Department of Energy or their sub-entities or their employees we do not recognize simply because of the fact that if you do not recognize your trust responsibility, then we have no obligation to accept what you present to us, as well.

I think you need to keep that in the back of your mind at any time you're proposing action in our territory, in our aboriginal homelands. I know that's kind of another sad commentary that people are tired of hearing, as well, but -- you know, whether it's the Shoshone-Bannock Tribes or anyone else, the indigenous peoples to any country have -- most certainly have a right to have a say in their territory. And we would hope that DOE would honor that fact.

4201-5
VII.E(3)

And I think, in conclusion, I'm very concerned about this EIS, the timetable. I don't believe you're going to live up to it. I have a concern that the legacy of the high-level liquid waste and the solid waste will not be removed by

the timetable specified. And the Tribe will go on record as demanding that it all be removed by 2035, or we'll also demand other reparations.

Thank you.

THE FACILITATOR: Mr. Edmo, I don't believe I had you give your address for the record. So, if you would please provide that for the record now.

MR. BLAINE EDMO: My business address is P.O. Box 306, Pema Drive, Fort Hall, Idaho, 83203. My e-mail address is shbncoun@cyberhighway.net.

Thank you.

THE FACILITATOR: Okay. Our next speaker is Beatrice Brailsford. And following Ms. Brailsford will be Shirley Kaiyou, Tribal member.

MS. BEATRICE BRAILSFORD: My name is Beatrice Brailsford. I'm the program director of the Snake River Alliance. My address is 310 East Center, Room 205, Pocatello, 83201.

The Alliance will be making formal comments later in writing, and so these are sort of some general impressions more than anything else.

4202-1
IX.C(7)

I had forgotten how hostile DOE hearings

can be and how arrogant DOE officials can be.

4202-2 IX.D(1) the Department of Energy had been nearly as smart or nearly as thorough as its employees sometimes try to project, we wouldn't be in this mess.

4202-3 VIII.A(6) The study that we're looking at tonight really is deeply flawed. And I know that a lot of us are feeling a lot of frustration. Mr. Edmo's right. This is one of the biggest problems facing the Site, and I don't think anybody has a sense that we've got our arms around it in any -- in any way.

4202-4 IX.A(4) We've got what is certainly the glitziest Environmental Impact Statement Draft I have ever seen. That must have cost a good deal more than it needed to.

But the Draft looks at a set of

4202-5 III.D.1(4) technologies that are, admittedly, immature so that our choices will be, admittedly, flawed, perhaps have to be revisited later, but we will

4202-6 VII.D(1) have made some sort of fake deadline, which isn't the job. You know, the job is to protect the state of Idaho and its environment.

And we -- and the way the study is set

4202-7 II.A(3) up is -- and I know you folks have heard this a million times -- but it's like a Chinese menu.

You know, we've got all these options -- we've got the separations options, we've got the non-separations options, leave it where it is, turn it back into liquid, dat, dat, dat -- and it's like a Chinese menu.

And this evening I think I did hear some statement that there might even be more alternatives in the next go-around of this Environmental Impact Statement, based on the study that the National Academy of Sciences did.

The problem with Chinese menus is, you can pick one from Column A, one from Column B and one from Column C, and when the dinner is brought to the table, all the dishes are pork.

4202-8 III.D.3(1) Overall, the Alliance questions seriously the ethicacy of all the separations options. Certainly, from a technical point of view, it looks -- those look even chancier than the non-separations options.

4202-9 III.D.3(1) And I think we have to remember that we can divide this waste into any number of fractions we want. And there are charts in here that show us, you know, green is for transuranic and yellow is for high-level. Divide it no matter how you want, it will still be

radioactive. All the radioactivity will still remain. So, you have to look at the simplest way to treat this waste that doesn't add steps that don't get you much further down the road than we are right now.

The Alliance also would like to -- you know, 4202-10 V(a) though we agree with the State that the Department of Energy inappropriately has tried to reclassify the liquid waste in the tanks as non-high-level waste -- we think that's inappropriate. But we do think that it's perfectly appropriate that we look at the dried 4202-11 II.A(1) high-level waste and the liquid high-level waste separately, because they do present different environmental perils to the people here and to our water.

And having mentioned water, I guess 4202-12 VIII.C(5) another source of controversy that I hear about whenever I hear about this Environmental Impact Statement is whether this liquid and dried high-level waste is on 100-year flood plain or a 500-year flood plain.

And I would like to offer that either way the flood can happen this year. This can be the 100th year or the 500th year. And if you're

looking at substances that are among the most dangerous on earth, go ahead and be a little more prudent. If somebody says it's a 100-year flood plain, let's go with that assumption if that gives us more robust structures.

Thank you.

THE FACILITATOR: Thank you.

Our next commentor will be Shirley Kaiyou.

Ms. Kaiyou, if you would please give your affiliation and your -- spell your name for the record, as well as provide your address.

MS. SHIRLEY KAIYOU: It's Shirley Kaiyou, K-A-I-Y-O-U, Post Office Box 607, Fort Hall, Idaho, 83203.

And do you need my phone number, too?

THE FACILITATOR: No.

MS. SHIRLEY KAIYOU: Okay. I would like to make a comment in regard to this.

4203-1 IX.C(3) I respect the fact that the Department of Energy is making an effort to educate the public of DOE issues. And this hearing has just sprung up all of a sudden. 4203-2 IX.C(6) We never hear about these hearings until the last second. Maybe a week in advance if we're lucky.

After meeting with a few of the STGWG meetings and attending them, I noticed that some of the Rocky Flats' officials were more or less commenting about receiving $200 million as a budget and wasting 100 of it. Well, I think that could be beneficial for the State of Idaho, to use money like that that's being thrown away to clean up this mess.

4203-3 X(13)

And, after experiencing a lot of abuses and backlash from other federal agencies, I believe DOE has a need to clean up their act.

4203-4 IX.D(1)

THE FACILITATOR: That is all of the preregistered speakers that we have at this time. We will now take a brief recess to allow any others who are here, and would like to register to speak, to register. And then we will reconvene the hearing at the call of the chair.

So, at this time, we will be off the record.

(A recess was taken.)

THE FACILITATOR: We're going to go back on the record now.

Let the record show that we are back on the record at 8:28 p.m. We do not have any other registered commentors for this evening's

hearing. And I understand that there are no other comments from the Tribe, as well. So, that will conclude the testimony part of tonight's hearing.

Prior to concluding the hearing, however, I am going to read into the record several exhibits that we will make a formal part of tonight's record.

And the first item that will be marked and entered into the record this evening is Exhibit -- as Exhibit 1 is the comments that were read into the record earlier tonight by Mr. Tom -- I'm sorry -- Tom Wichmann's talking points earlier tonight. And that will be marked and entered into the record as Exhibit 1.

Marked and entered into the record as Exhibit No. 2 will be the Federal Register notice announcing these public hearings that are being held on the Draft EIS.

Marked and entered into the record as Exhibit No. 3 will be the amended Federal Register notice dated February 24, announcing the additional meeting that was held this evening at Fort Hall, and, in addition, extending the public comment period until April 19, 2000.

And the final exhibit that we have to enter into the record as Exhibit No. 4 is the videotape that you watched earlier this evening by Ms. Beverly Cook.

Do any of the commentors that are here tonight have any documents that they want to enter into the record to supplement their testimony?

If so, I would need to enter those now.

MR. BLAINE EDMO: One comment on behalf of the Tribe. We would like to thank DOE for giving us the opportunity for the comments.

4204-1
IX.A(2)

And I will give you credit for one thing. We had a public hearing with EPA here the night before last, and you spared us the -- I think you've shown a little bit more class than FMC had. They provided us with a song and dance, a number of their employees purporting their claims towards being environmentally conscious. And we would like to thank you for not presenting that type of documentation or testimony here today.

So, thank you.

THE FACILITATOR: It is now 8:29 p.m., March 2 of the year 2000, and we have heard from

all our registered speakers.

I want to thank you for your participation in this public hearing on the Department of Energy Idaho High-Level Waste and Facilities Disposition Draft Environmental Impact Statement.

Please remember that you can submit your comments in writing by fax or via the Internet until April 19, 2000.

This hearing is now adjourned.

(The public comment hearing concluded at 8:30 p.m.)

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