Document #0022: Comments
New York State Energy Research and Development Authority (public meeting transcript)

PUBLIC COMMENT SESSION FOR THE
DRAFT WEST VALLEY DEMONSTRATION PROJECT
WASTE MANAGEMENT ENVIRONMENTAL IMPACT STATEMENT
ASHFORD OFFICE COMPLEX
9030 ROUTE 219
ASHFORD, NEW YORK
JUNE 11, 2003 1:30 P.M.

REPORTED BY: DOREEN M. SHARICK, Court Reporter
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Document #0022: Comments
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SPEAKERS:

JOHN CHAMBERLAIN,
Communications Department,
West Valley Demonstration Project.

DANIEL W. SULLIVAN,
DOE Document Manager,
West Valley Demonstration Project.

PAUL PICIULO,
Director of the West Valley Site
Management Program for NYSERDA.

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MR. CHAMBERLAIN: Good afternoon. I'm John Chamberlain. On behalf of the Department of Energy, I welcome each of you to this meeting. As you know, there are two comment sessions scheduled today here at the Ashford Office Complex on Route 219 as part of the 45-day public review period for the Draft Waste West Valley Demonstration Project Waste Management Environmental Impact Statement. For the record, this afternoon session is scheduled from 1:30 p.m. to 3:30 p.m., today, June 11, 2003, and an evening session is scheduled from 7:00 p.m. to 9:00 p.m.

These sessions are being held to provide individuals the opportunity to submit oral and written comments on the draft EIS. Comments can be filed by mail, by fax or electronically through the internet. In addition, there is a toll-free number available through which individuals can submit oral comments by telephone. Information including directions on filing comments is available at the table to my right. All

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comments, whether written or oral, will receive the same consideration and review, and will be responded to in the Final Environmental Impact Statement.

The development of this DEIS officially began with DOE's publication of a Notice of Intent on March 26, 2001. The scope of this DEIS departs from that which was originally announced in the Notice of Intent in that it is limited to onsite waste management and offsite waste transportation activities, and does not include decontamination activities. This DEIS was made publicly available on May 16, 2003, for review and comment. The 45-day public review period will officially end on June 30, 2003, and DOE will consider comments received after this date to the extent practical.

Commentors for today's session have been registered in the order that their requests have been received. All individuals that have signed up at the door will be allowed to speak in the order they are signed in as long as time is available. If you wish

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to present a comment and have not signed up, I encourage you to do so now.

Finally, I want to thank all of you here for taking the time to attend this meeting and for those providing comments, thank you for your interest and involvement.

At this time I want to introduce Dan Sullivan, the Department of Energy's NEPA Compliance Officer at the West Valley Demonstration Project. Dan.

MR. SULLIVAN: I'm Dan Sullivan. I'm with the Department of Energy and I'm going to talk about our EIS tonight. Thank you for attending this presentation. I will run through briefly our Notice of Intent, the revised scope of the document, the overview of the DEIS, describe the alternatives to the DEIS and then public participation opportunities and then we'll open it up to our public comment.

Let me start with the Notice of Intent. It was originally issued in March of 2001, and the scope of that EIS was to include decontamination of some of the WVDP facilities

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and waste management actions. So in parenthesis what you got there is removal and offsite disposal of waste.

Now, since then, DOE modified that the scope of that EIS as a result of public comments we got during that Notice of Intent period and we removed decontamination actions. Those actions will be addressed in another EIS, our decommissioning EIS. So the revised scope of the EIS before us tonight is limited to onsite waste management and offsite transportation of waste. There's a picture behind John that will help frame what we're talking about. The lettering that's in yellow, those are the waste volumes and the waste that we're talking about that's currently in storage. That's what this EIS is dealing with.

There are three alternatives that we examined in this EIS. The No Action required by the National Environmental Policy Act, which is essentially a continuation of the ongoing activities, and I'm going to describe these in a little more detail when we get a

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second, but there's a No Action Alternative. There's an Alternative A, which includes offsite shipment of the waste for disposal and an ongoing management of the Waste Storage Tanks.

Alternative B is similar to Alternative A. It's offsite shipment of the waste for disposal in this case or storage at other sites. The other difference is that this includes interim stabilization of the High Level Waste Storage Tanks with retrievable low-strength grout.

So those are the three alternatives that were examined. In analysis, this is a study. It's an analysis focused on the human health impacts on and near the site and impacts resulting from the transportation of the waste. We're going to talk a little bit more about the alternatives.

The No Action Alternative I just mentioned is continuing the waste management activities, basically doing the work that we're already doing. Okay. It does include some shipment of waste, but small quantity of

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wastes and that would be the extent of the shipping. We would use the full capacity of the storage facilities available to us. We would continue to process the waste that is in the Chemical Process Waste Storage Area. It's one of the storage tanks. And as I mentioned, we would continue storage of the waste, except for the small quantity of Class A Low-Level Waste that would be shipped offsite, and then we would manage the High-Level Waste Tanks as we're managing them today. Basically, ventilating the Waste Storage Tanks to manage the moisture levels. So that's continuation of what we're doing today.

Alternative A, also known as our Preferred Alternative, and that's a term of ours that's used in NEPA documents. At the present time that's the Department of Energy's Preferred Alternative. Again, this is an Analysis Document. A decision ultimately will be made based on some of the recommendations from this document, but this document itself is not a decision. So that's just a

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designation for that particular alternative.

This is offsite shipment of waste for disposal and, again, ongoing management of High-Level Waste Tanks. So nothing different here in terms of managing the tanks, but in terms of the waste in this particular alternative, all the waste is disposed of offsite. It's not limited by the Class A waste that I just mentioned in the other alternatives.

Reading the bullets, the Low-Level and the mixed Low-Level Waste will be shipped to DOE and/or commercial disposal sites for disposal. The TRU Waste, which is another waste class, would be shipped to the Waste Isolation Pilot Project, WIPP, for disposal. The High Level Waste would be shipped to a geologic repository, also for disposal when it was available.

And I just mentioned earlier, the Waste Storage Tanks we're going to continue to manage those as they are managed today. So this alternative ships all the waste that's in yellow lettering on that site and the volumes

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you can read them for yourselves, fairly large, 700,000 cubic feet of Low-Level Waste. There's five or six of those large storage facilities and just for perspective, they are the size of a football field plus end zones, so a substantial amount of waste. Okay. That was Alternative A.

Alternative B is offsite shipment of waste for disposal or storage and ongoing management of the High-Level Waste Tanks. There are some differences with this alternative from Alternative A. In this case, the Low-Level and the mixed Low-Level Waste -- the analysis here is exactly the analysis as it was a minute ago, that is disposed of offsite at DOE and/or commercial disposal locations.

The TRU waste, this waste category would either be shipped to Hanford, Idaho, Oakridge, Savannah River or WIPP. These are all DOE locations, all DOE sites, for interim storage until WIPP was available to receive that waste. That's the difference between this Alternative and Alternative A.

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Also, the High Level Waste canisters would be shipped to either Hanford or Savannah River, again, other DOE sites, for interim storage prior to disposal in a geologic repository.

I'll mention something here that I think is important. This analysis looks at Environmental Impacts associated with these actions. If it recognizes that there are other permits, there may be licenses, there may be other NEPA reviews that are required for some of these actions to come true. So just because it's analyzed here, doesn't mean the waste is going there.

Again, the decision needs to be made as to which Alternative the department will select and then once that decision is made, there are other hoops to go through including some of the things I just mentioned. Licenses need to be changed. Permits need to be changed. That sort of thing. That's an important point that is not on the viewgraph, but in the document that's acknowledged.

The last bullet here is the Waste

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Storage Tanks, the High Level Waste Storage Tanks, which are now basically empty because vitrification is complete, would be partially filled with a retrievable, controlled low-strength grout for interim stabilization.

Again, not our preferred alternative, but reasonable alternatives and that's what NEPA is all about. Analyze reasonable alternatives to provide the decision makers with the tools to make an informed decision. That's the purpose of this study.

In terms of impacts or conclusions, punch line if you'd like, there really is no discernible difference in the human health impacts among the alternatives. Very, very small doses and if you look at the analysis and if you think about it, that really shouldn't be a surprise. We're talking about in most cases Low-Level Waste and other cases where you're shipping waste that isn't sort of low-level or low activity, it's shielded. So that didn't come to me as a surprise but to make a point that when you look at the

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analysis, very small doses and that's basically the point I wanted to make on that.

Now, opportunities for public participation. This comment period is initially open until June 30th, but you heard John say to the extent that we can, we will continue to receive comments after that date. If folks have comments they want to make, it just makes it more efficient if we can stay within the time frames that we've identified. It's a 45-day comment period and the DOE's going to consider all the comments received and respond to the comments in the Final EIS.

The way to receive the comments or the way you can send the comments to me is either by mail, and there's the mailing address, by fax 716-942-4199, by e-mail sonja.allen@wvnsco.com. I think these are all in the handouts, also. We also have an 800 telephone number that you can call and make an oral comment that way, 800-633-5280, and of course, the other opportunity is right now, this afternoon.

MR. CHAMBERLAIN: Just before we

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open up for comments, I would like to say we will take any questions, clarifying questions anyone may have on the study or on the presentation. We have a couple minutes that anyone may wish to ask now or Dan or anyone else?

Okay. At this time, we'll begin the public comment session. Speakers will be called in the order they have signed up. I would ask that these speakers keep their comments concise and focused on issues relevant to the Draft Environmental Impact Statement under consideration. I would also ask that, if possible, the speakers try to contain their comments within about five minutes. To assist the transcriptionist, speakers are asked, again, to speak clearly and are encouraged to submit written copies of their comments if they have them available.

At this time I would like to call our first commentor, Paul Piciulo.

MR. PICIULO: Good afternoon. My name is Paul Piciulo and I am the Director of the West Valley Site Management Program for

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the New York State Energy Research and Development Authority, most commonly referred to as NYSERDA. I am here to provide oral comments on the Waste Management Environmental Impact Statement on behalf of NYSERDA. NYSERDA also will be submitting written comments to the Department of Energy prior to closure of the formal comment period.

Our issue of most concern regarding the Waste Management EIS is inclusion of the analysis to add grout to the High-Level Waste Tanks 8D-1 and 8D-2 and the annulus that surrounds each tank. NYSERDA believes that this activity and alternatives for grouting the tanks should not have been included in this Waste Management EIS. Long-term management options for the High-Level Waste Tanks are more appropriately analyzed in the Environmental Impact Statement to Evaluate Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center. 22.1

The reasons for this are threefold. First, the March 26, 2001, scoping for this 22.2

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Waste Management EIS did not include grouting of the High-Level Waste Tanks. Second, the analysis of grouting the High-Level Waste Tanks in the Waste Management EIS is inconsistent with policy announced by the U.S. Nuclear Regulatory Commission stating that the impacts of making a Waste Incidental to Reprocessing Determination, which is a prerequisite for grouting tanks, should be analyzed in the Decommissioning EIS. Lastly, the Resource Conservation and Recovery Act Regulations preclude treatment by grout stabilization until NRC has rendered its final decision on whether the Decommissioning EIS preferred alternative meets the criteria in the Commission's Policy Statement. 22.2 22.3 22.4

I will now provide a more detailed explanation of these three concerns. The proposed scope for the Waste Management EIS, as published in the Federal Register on March 26, 2001, did not include grouting of the tanks. The scope indicated that the Waste Management EIS would include such activities as removal of loose contamination; removal of 22.2

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hardware and equipment; nonstructural decontamination of walls, ceilings, and floors; and flushing and/or removal of vessels and piping. Grouting of the tanks was not included in the description of the proposed action or the preliminary alternatives to be evaluated. Thus, it appears that the evaluation of grouting the tanks is beyond the scope of this Waste Management EIS. The Federal Register Notice indicated that the remaining facilities for which the DOE is responsible, along with all final decommissioning and/or long-term stewardship actions to be taken by the DOE and NYSERDA, will be evaluated in the Decommissioning EIS. 22.2

Additionally, the residual waste in the High-Level Waste Tanks remains High Level Waste, at least until a determination is made that such waste is incidental to reprocessing, in accordance with the requirements established by the U.S. Nuclear Regulatory Commission and the NRC Decommissioning Criteria for the West Valley Demonstration Project at the West Valley Site; Final Policy 22.3

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Statement was issued on February 1, 2002. The Final Policy Statement makes it clear that the NRC intends to use the Decommissioning EIS to render a decision on the acceptability of the DOE's Waste Incidental to Reprocessing determinations.

NRC states that the resulting calculated dose from the incidental waste is to be integrated with all other calculated doses from the remaining material of the entire NRC-licensed site to ensure that the License Termination Rule criteria are met. This is appropriate because the Commission does not intend to establish separate dose standards for various sections of the NRC-licensed site. 22.3

It is the Commission's expectation that it will apply this criteria at the WVDP site following the completion of DOE's site activities. In this regard, the impacts of identifying waste as incidental to reprocessing and not High Level Waste should be considered in DOE's environmental reviews.

NRC more clearly defines its

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expectations in a June 17th, letter from Chairman Richard Meserve to me.

The Decommissiong EIS will address DOE Waste Incidental to Reprocessing determinations. NRC will review and comment on DOE Waste Incidental to Reprocessing determinations as a Cooperating Agency. NRC will also render its final decision on DOE's Waste Incidental to Reprocessing determination in NRC's decision on whether the preferred alternative meets the criteria in the Commission's Policy Statement. 22.3

Thus, until the Decommissioning EIS completed and NRC has made its determination regarding the tank residuals, such materials must continue to be managed as High Level Waste and any decision to grout the tanks based on the Waste Management EIS would be premature.

Finally, the residual waste in the High-Level Waste Tanks is both High Level Waste and Resource Conservation and Recovery Act, referred to as RCRA, characteristic waste. It is NYSERDA's understanding that, at 22.4

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this time, the only form of treatment acceptable for such waste is vitrification. As long as the tank residual waste is High Level Waste, in other words until NRC has rendered its final decision on the DOE's Waste Incidental to Reprocessing determination in its decision on whether the preferred alternative and the Decommissioning EIS meets the criteria in the Commission's Policy Statement, current RCRA requirements preclude treatment by grout stabilization. Thus, under RCRA regulations, a determination must be made with respect to Waste Incidental to Reprocessing before a decision to grout the tanks can be made. 22.4

NYSERDA requests that DOE reconsider its inclusion of High Level Waste Tank grouting in the Waste Management EIS. As I mentioned earlier, NYSERDA will provide more detailed written comments prior to the closure of the formal public comment period. 22.5

Thank you for this opportunity to share our concerns.

MR. CHAMBERLAIN: Thank you,

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Paul. I believe that's our last commentor. Is there anyone else here who would like to comment on the record? Okay. At this time we will stop this meeting and I just remind everyone that's here that we have another session that people may attend this evening from 7:00 to 9:00. If you know anybody who would like to make a comment or take part, please encourage them to come. Thank you.

(Whereupon the proceedings were concluded.)

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C E R T I F I C A T E

I, Doreen M. Sharick, do hereby certify that I have reported in stenotype shorthand the proceedings in the Public Comment Session for the Draft West Valley Demonstration Project Waste Management Environmental Impact Statement, held at the Ashford Office Complex, 9030 Route 219, Ashford, New York, on Wednesday, June 11, 2003;

And that such transcript, numbered pages one through twenty-one, is an accurate and correct record of my stenotype notes.

Doreen M. Sharick

Doreen M. Sharick, Notary Public

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22.1. The Draft WVDP Waste Management EIS analyzed the use of retrievable, low-strength grouting for the interim stabilization of the HLW tanks should that become necessary before decisionmaking about the site is completed. As stated in the Draft EIS, this grout would be sufficiently flexible to provide shielding and would not prohibit exhumation of the tanks should DOE decide to remove the tanks in the future. However, DOE decided to remove the option under Alternative B to place retrievable grout in the HLW tanks as an interim stabilization measure. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

22.2. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

22.3. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

22.4. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

22.5. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

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Springville, New York.

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Kathy McGoldrick (public meeting transcript)

MR. CHAMBERLAIN: Good evening. I'm John Chamberlain on behalf of the Department of Energy. I welcome each of you to this meeting. As you know, there have been two comment sessions scheduled today here at the Ashford Office Complex on Route 219 as part of the 45-day public review period for the Draft West Valley Demonstration Project Waste Management Environmental Impact Statement. For the record, this evening's session is scheduled at 7:00 o'clock to 9:00 p.m. on June 11, 2003.

These sessions are being held to provide individuals the opportunity to submit oral and written comments on the draft EIS. Comments can be filed in writing by mail, by fax or electronically through the internet. In addition, there's a toll-free number available through which individuals may submit oral comments by telephone. Information including directions on filing comments is available on the table to my right. All comments, whether written or oral, will receive the same consideration and review and

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will be responded to in the Final Environmental Impact Statement.

The development of this DEIS officially began with DOE publishing a Notice of Intent on March 26, 2001. The scope of this DEIS departs from that which was originally announced in the Notice of Intent in that it is limited to onsite waste management and offsite waste transportation activities and does not include decontamination activities. This DEIS was made publicly available on May 16, 2003, for review and comment. The 45-day public review period will officially end on June 30, 2003, and DOE will consider comments received after this date to the extent practical.

Commentors for today's sessions have been registered in the order that their requests have been received. All individuals that have signed up at the door will be allowed to speak in the order they have signed in as long as time is available. If you wish to present a comment and have not signed up, I encourage you to do so now.

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Finally, I want to thank all of you here for taking the time to attend this meeting, providing comments and thank you for your interest and involvement.

At this time I would like to introduce Dan Sullivan, the Department of Energy's National Environmental Policy Act Compliance Officer at the West Valley Demonstration Project. Dan.

MR. SULLIVAN: Thank you, John. Welcome everybody. I'm Dan Sullivan with the Department of Energy as John just mentioned and what I'm going to do tonight is I'll present a little discussion on the Notice of Intent, the revised scope of this document, an overview of the Draft EIS and discuss ways for you to provide comments for public participation and then there will be a comment session that John mentioned.

Okay. The Notice of Intent, basically said that DOE was going to prepare an EIS, was issued in March of 2001, and the scope of this EIS, fancy word for study, was to include decontamination of some of the

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project facilities along with waste management actions. So the removal and offsite disposal of waste. Those are the waste management actions we are looking at.

Now, DOE modified the scope as a result of public comments and removed decontamination actions to be evaluated in the decommissioning EIS. So the scope of the document that we're talking about tonight, it's limited to the onsite management and offsite transportation of the waste, and the waste that we're talking about -- this picture's helpful. These areas in yellow. There's basically five facilities that have Low-Level Waste in them and they're approximately the size of -- to put it in perspective, of a football field. So they're fairly sizable and the quantities of waste are about 700,000 cubic feet of Low-Level Waste. So a fair amount of waste is in storage. This is what we're talking about, along with the High Level Waste tanks, how to manage those and those tanks are empty, but this EIS evaluates a way to manage them.

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So what are the three alternatives? The No Action Alternative, which is a continuation in a sense of what we're currently dealing with and I'm going to talk to you a little more about these in a future viewgraph. There's a No Action Alternative, which is Alternative A, which evaluates offsite shipment of waste for disposal and then ongoing management of the High Level Waste into the waste storage tanks.

Alternative B is similar to Alternative A, but the waste doesn't go to directly to the disposal location. It goes for storage at another DOE site first, then to disposal. That's the distinction and the High Level Waste storage tanks are stabilized using retrievable low-strength grout. Those are the three alternatives.

The focus of the analysis is on human health impacts on and near the site and impacts resulting from the transportation of the waste.

I'm going to talk a little bit more about the alternatives now. The No-Action

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Alternative, and this is an alternative that's required by NEPA. It's required by the National Environmental Policy Act to be analyzed, continuing with waste management activities described in previous NEPA documents. What that means is, they are currently shipping some Low-Level Waste, small quantities of Class A Low-Level Waste. So this particular alternative, we continue to do that and the analysis would look at that along with using these storage facilities to their full capacity, to evaluate processing the waste that's currently in the chemical process cell waste storage area. That's an activity ongoing now to process that waste. Continue onsite storage of all the waste, as I said, except for the load that's being shipped. That's the Class A waste.

And again, I'll mention in terms of shipping waste, this is done every day, shipping the radioactive waste throughout the country. It's not only West Valley. We have been doing that. This alternative will look at continuing doing that along with continuing

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to manage the moisture levels in the High Level Waste tanks through the systems that we already have in place. So that's analysis for this alternative, the No-Action Alternative.

Again, the NEPA document just analyzes the alternatives. We don't make a decision in its writing. There is not a decision in this document. It's a tool the decision makers will use so they understand what the impacts are and they'll use this in their decision making. It's not me that's going to make the decision. I'm providing the basis and the tools used to make those decisions.

The next alternative analyzed is Alternative A, in this case it's a Preferred Alternative. That's DOE's Preferred Alternative at the moment. This includes analysis for offsite shipment of waste for disposal and ongoing management of the waste storage tanks. This is not just the Class A waste. This is all the waste for all these facilities, the analysis for disposal of offsite the Low-Level and mixed Low-Level

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Waste shipped DOE and/or commercial disposal sites for disposal. The TRU waste, another category of waste, would be shipped to WIPP, the Waste Isolation Pilot Project, for disposal and High Level Waste would be shipped to a repository when it's available. The tanks would be managed, again, as I mentioned earlier, through the system that currently exists. So this alternative is looking at shipping all this waste offsite.

This is the time to mention this. It isn't as a bullet on the viewgraph, but it's mentioned in the NEPA document itself. The analysis recognizes that the ability to take these kind of actions may require additional permits or license modifications or maybe additional NEPA analysis at some of these disposal locations and/or storage locations. And that's really true for this particular alternative. This is just one step in the process. Let me go through this and it will make sense in a second.

Alternative B is offsite shipment of waste for disposal or storage and ongoing

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management of the tanks using the grout. So in this case, it's the same wastes that we're talking about that's in storage, the same large volume. In some cases it's going to be shipped right for disposal. Low-Level and Mixed Low-Level will be shipped to DOE commercial sites for disposal. In the case of TRU waste, one of the options considered is shipping it to other DOE sites first for storage, then for disposal: Hanford, Idaho, Oakridge, Savannah River or even WIPP for interim storage until disposal could be made at WIPP. And again, this is where this concept of there may be additional licenses or additional permits or maybe other steps to go through before this action actually takes place. From the standpoint of environmental analysis, we just made that statement. We didn't do the analysis here.

High-level waste would be, in this case, analyzed and shipped to either Hanford or Savannah River for interim storage prior to disposal and repository. The tanks would be partially filled with a retrievable

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low-strength grout for interim stabilization. That's Alternative B. It's not our Preferred Alternative, but again, NEPA asks that you analyze alternatives that appear reasonable, so that was the make-up of this particular alternative, reasonable actions.

So in terms of a conclusion, impacts. There really is no discernible difference in human health impacts among the alternatives. The impacts are very, very small and when you take a look at the document, you see the analysis that was done and the table that reports those impacts, they're really small and as I mentioned at the other session, if you think about it, that's really not surprising because you're analyzing the shipment of Low-Level Waste. That's potentially low doses. And if there's anything that has a high dose, it's shielded. So it makes sense that those impacts would be small. And that's exactly the conclusion that we came to in the NEPA document. All these risks that I've listed here, they are very, very minute. When you take a look at the

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document and indeed, you probably have, you'll come to the same conclusion. That's basically the punch line. All the analysis showed was that the risks were very small.

Okay. The opportunities for public participation, the official comment period closes at the end of the month, June 30th. I don't know if John mentioned this at this session, but I know he said it earlier, to the extent we can, we'll consider all the comments that we get even if they come after that date, but there comes a point where we're going to get on with the process.

If you've got a comment, the best thing to try to do is to get it to us before June 30th. We're going to consider all the comments we receive and we'll respond to them in the final EIS.

Okay. So how do you provide them? Tonight is one of the opportunities. You can mail them to me. You can fax them. There's an E-mail address and we even got an 800 telephone number which you can call to provide your comments that way. So if you really want

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feedback, there's several ways to do that and my presentation, obviously, has this information in it. I think there is facts sheets up here that provide the same mechanisms by which you might want to communicate. So that's the way to provide comments. Now, I'm done with viewgraphs. Now, is the time to go to the comment period.

MR. CHAMBERLAIN: Thanks, Dan.

MR. SULLIVAN: Okay.

MR. CHAMBERLAIN: Just before we provide an opportunity for people to make their oral comments, does anyone have any quick clarifying questions? Anything you heard that you would like a little more information on regarding this study or comments or anything regarding it?

MS. McGOLDRICK: Just one question. I wasn't really listening very carefully when you first started and so I apologize if I misunderstood you. But did you say that you split this EIS due to public comments on the draft EIS or did I misunderstand you?

Document #0023: Comments
Kathy McGoldrick (public meeting transcript)

MR. SULLIVAN: No, no, no. I didn't. We revised the scope of this particular document. Initially, the document, it was the Decontamination and Waste Management EIS and we removed the decontamination piece from this document. And said it was more appropriate to put that piece in the decommissioning EIS, so that's what we did. This EIS is only going to look at waste management actions. That's what I meant. The comments came on the scope of this particular document.

MR. CHAMBERLAIN: At this time we'll begin the public comment period. Speakers will be called in the order they signed up. I would ask each speaker to keep their comments concise and focused on the issues relative to the Draft Environmental Impact Statement that's under consideration. I don't think I have to say we need to keep it somewhere near five minutes. We have two commentors so I think we have sufficient time for your comments. To assist the transcriptionist, please make sure you speak

Document #0023: Comments 23.1 – 23.3
Kathy McGoldrick (public meeting transcript)

carefully and we encourage you to submit copies of your comments in writing if they are available. At this time I'd like to call Kathy McGoldrick first.

MS. McGOLDRICK: My name is Kathy McGoldrick and I'm from the Town of Ellicottville. I also belong to the West Valley Coalition on Nuclear Waste. I want to begin by saying that I would suggest that this DEIS being commented on is not a valid document. The splitting of the 1996 DEIS into two separate EIS's may not be a legitimate NEPA action. This split also violates the 1987 Stipulation of Compromise Settlement between the United States Department of Energy and the United States of America and the Coalition on West Valley Nuclear Waste. 23.1

Both Alternatives A and B, second comment, rely on shipment of classes B and C Low-Level Waste offsite without completion of the entire EIS process, a clear violation of the 1987 contract signed with the Coalition and of NEPA. 23.2

Three, the 45-day comment period is 23.3

Document #0023: Comments 23.3 – 23.5
Kathy McGoldrick (public meeting transcript)

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a violation under the terms of the Stipulation of Compromise. In that Stipulation, a six month comment period was agreed upon. 23.3

The following are comments regarding the alternatives being presented in the 2003 Waste Management DEIS:

Shipment offsite for interim management in Alternative B would increase transportation risks because each shipment would have to be made twice. Interim storage, as we have suggested many times in the past, would avoid this problem. 23.4

In comments on the 1996 DEIS, it was suggested that there be an alternative which would store packaged waste onsite for a limited amount of time, say 25 years. This would be true interim storage with the real intent of eventual shipment. We need to be cognizant also of the time lag that may entail due to the reticence of other political and geographic entities to accept this waste, or even to allow it to be transported through these entities due to the serious threat of terrorism. Our interim storage alternative 23.5

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Document #0023: Comments 23.5 – 23.7
Kathy McGoldrick (public meeting transcript)

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should take this factor into account.

However, when waste can leave West Valley, it must. For many reasons, West Valley is not a suitable site for permanent disposal of radioactive waste. 23.5

For obvious reasons, management of the High Level Waste tanks under Alternative A must not include changing the groundwater patterns or pressures around the tanks without first closely studying the effects of such. 23.6

And last, the grouting of the High Level Waste storage tanks and their surrounding vaults in Alternative B would violate NEPA because it could limit closure alternatives yet to be considered in the Closure EIS now being written. Thank you. 23.7

MR. CHAMBERLAIN: Thank you, Kathy. The next commentor is Jim Pickering. Mr. Pickering.

MR. PICKERING: My name is Jim Pickering, Ph.D. I live in Lake Hiram Club, Arcade, New York, Post Office Box 51 and I would like a copy of the transcript of these proceedings.

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Document #0023: Responses

23.1. The scope of the EIS that DOE began in 1988, with a draft in 1996, is now addressed in two EISs: the WVDP Waste Management EIS and the Decommissioning and/or Long-Term Stewardship EIS. Waste management activities, including offsite shipment for disposal, have utility independent from actions that might be taken to decommission WVDP and the requirements for long-term stewardship. In addition, the waste management activities described in the WVDP Waste Management EIS will not affect the range of alternatives available for decommissioning or long-term stewardship. Therefore, DOE does not believe that its NEPA strategy represents impermissible segmentation of the action.

The Stipulation of Compromise (included in Appendix A of this EIS) requires the preparation of an EIS to address the disposal of LLW on the WVDP site, and does not preclude the preparation of more than one EIS. DOE believes that it has complied and continues to comply with the Stipulation.

23.2. The Stipulation specifically allows DOE to prepare separate EISs for the offsite disposal of LLW (see Stipulation Section 3). DOE would not ship any waste until the Final EIS and a Record of Decision are issued, completing the NEPA process for this proposed action.

23.3. The 6-month comment period in the Stipulation applies to an EIS prepared for the decommissioning of the site and is not applicable to the Draft WVDP Waste Management EIS prepared for the offsite transportation and disposal (or storage) of LLW, mixed LLW, TRU waste, and HLW. DOE has committed to a 6-month comment period for the Decommissioning and/or Long-Term Stewardship Draft EIS.

23.4. DOE recognizes the increased environmental impacts inherent in shipping waste offsite for storage prior to disposal, including increased transportation risk and human health risks to workers and the public at the offsite locations. These impacts are analyzed and acknowledged in the Draft and Final WVDP Waste Management EISs. Under DOE's preferred alternative (Alternative A), TRU waste and HLW would continue to be stored at the WVDP site until such time as disposal offsite could be arranged.

23.5. Under DOE's preferred alternative (Alternative A), TRU waste and HLW would continue to be stored at the WVDP site until such time as disposal offsite could be arranged. In the context of this EIS, DOE does not intend to dispose of radioactive or hazardous waste at the WVDP site.

23.6. Neither the active ventilation of the HLW tanks and the annulus surrounding the tanks under the No Action Alternative and Alternative A nor the use of retrievable grout for interim stabilization of the tanks under Alternative B as analyzed in the Draft EIS would change the groundwater patterns or pressures around the tanks. DOE decided to remove the option under Alternative B to place retrievable grout in the HLW tanks as an interim stabilization measure. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

23.7. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

Document #0024: Comment 24.1
Jim Pickering (public meeting transcript)

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In previous presentations I have brought forth the fact that this procedure in particularity violates Public Law 96-368, which is the West Valley Demonstration Project Act. That Act provides for a Environmental Impact Statement. Not two, not three, not amended. One Environmental Impact Statement and while I may agree that privately that this would be the right way to go, what should have happened is those people who are in charge of this situation should have gone back to Congress and said, we think that this will work out better if you amend that Act and permit us to split up the Environmental Impact Statement. That has not been done and when you take away from Congress a power that is expressly given to them by the Constitution of the United States, you are seizing power that is not yours. That is tantamount to treason. Treason is defined in that -- in that Constitution as making war on the United States. 24.1

Now, we cannot have our servants and employees conducting themselves in that kind

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Document #0024: Comment 24.1 – 24.2
Jim Pickering (public meeting transcript)

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of an environment. You have to come forth and ask permission to do what you're going to do, and you haven't done it. And that's the sum and substance of what's going on. I have 24.1
reviewed everything that Dr. Piciulo has said. I agree with everything that he has said. I listened to Kathy's presentation and I agree with everything that she has said.

Dan, you said that high-level tanks are empty. The last meeting I was at, they said -- you said -- you said you didn't get it all out. You couldn't get it all out. You were slurrying and slurrying and slurrying and 24.2
you couldn't get it all out. But to come forth here and say they're empty, they're not empty if you haven't got it all out. It's that simple.

When you come to -- to us and say this is the way it is, please come and tell us the truth. We deserve that. You people are -- are our employees. You are not our masters. You are our employees. We pay for your services when we pay our taxes and therefore, we have a right to accountability.

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Document #0024: Comment 24.3 – 24.4
Jim Pickering (public meeting transcript)

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We're not getting it. You're doing what you want to do and I hate to say this, but it almost looks as though you're trying to preserve my job. Now, that isn't right. You were hired to get the waste out of West Valley, period. 24.3

And you're wondering why am I coming in here and hammering away at this. I went to Hanford years ago, back in the '70s. My cousin, Bill Pickering, worked for the Hanford Facility as a sheet metal man and used to make the duct work for the air conditioning and that sort of stuff. He died of leukemia and cancer from that facility. That facility is upstream from the Snake River and the Columbia River and if it leaks, it will pollute all the salmon that goes up and down that river. The American public doesn't need that kind of a food supply. The waste material that we got here should not be shipped to Hanford.

Now, I don't know about the stuff going -- involved with Savannah River. I don't know how good that facility is, but I do know that Hanford should not pick up our waste 24.4

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Document #0024: Comment 24.4 – 24.5
Jim Pickering (public meeting transcript)

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and then ship it somewhere else because all the time it's sitting there, it's a hazard to everything on the -- on the west coast. 24.4

I don't know what else to tell you except that this thing is illegal. You cannot do it. 24.1

When I went to Court against Bethlehem, the filing fee I told you at the last meeting was a hundred and fifty dollars. Today I got a letter that said you'll have to serve the Attorney General of the United States because the Pension Benefit Corporation is a -- is a government agency. Well, the United States Marshall is doing that and it cost eight bucks. It would also cost eight bucks for another service on the local guy down in Buffalo.

These kinds of things, when you make -- when you go to change the law, you just don't do it by yourself. You've got to go through the proper channels and the proper channels is to go up to the Executive Department, say to the President, this is the way we think it should be and then he should 24.1

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Document #0024: Comments 24.1 & 24.5
Jim Pickering (public meeting transcript)

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go to the Congress and say, fellows, this is what they presented me. This is the way it should be. Change it. That's all -- all I've been saying to you. Change it and get it in line the way it should be. 24.1

It's not that -- you're alive today because you haven't made any engineering mistakes, but you're about to make them from the legal standpoint of view and also, from the engineering point of view, especially if you ship offsite material that should not be shipped offsite until it's ready to be finally disposed of. 24.5

I had thunk about putting it into a rocket and shipping it out in one of these holes, black holes. But the other day there was an article in the paper about microcracks in both of the space shuttles in which the two ladies died. I don't want to ship anymore stuff out -- out that way. I don't want to see the international intersolar system messed up because we goofed up right here. Keep the waste here until you get it the way it can be disposed of permanently and then do it and do 24.5

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Document #0024: Comments 24.1 & 24.5
Jim Pickering (public meeting transcript)

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it right. Go to the Congress and say, this is the way we're supposed to do it. This is the way we feel it should be done and then come back and do it. Thank you. 24.5 24.1

MR. CHAMBERLAIN: Thank you, Jim. That's the end of the commentors who have signed up. Is there anyone else who would like to make a comment this evening? If not, then --

MR. SULLIVAN: John, should I clarify one thing about High Level Waste?

MR. CHAMBERLAIN: Sure.

MR. SULLIVAN: I said that basically they are empty. We removed all we can so I mean Jim is right. There's a small amount of waste still in the tanks, but they are basically empty. That was my point.

MR. CHAMBERLAIN: Anyone else? Okay. Thank you very much. This will conclude the meeting. We will wait here certainly to see if anyone else comes that my wish to comment. Sir?

MR. OLMSTED: My name is Jeremy Olmsted. I'm from Springville.

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Document #0024: Responses

24.1. The West Valley Demonstration Project Act (Public Law No. 96-368, included in Appendix A of this EIS) requires DOE to decontaminate and decommission the tanks and other facilities of the Western New York Service Center in which the HLW solidified under the project was stored (Section 2(a)(5)). The statute also states that DOE must prepare required environmental impact analyses of the project (Section 2(b)(3)(D)). In DOE's view, the West Valley Demonstration Project Act allows the preparation of more than one EIS and no further legislation is required.

24.2. DOE has removed all of the HLW in the tanks, although a small amount remains that cannot be removed.

24.3. The West Valley Demonstration Project Act requires DOE to solidify HLW by vitrification or other effective technology, develop containers for the permanent disposal of HLW, transport the solidified HLW to an appropriate federal repository for permanent disposal, and decontaminate and decommission the tanks and other facilities of the Western New York Service Center in which the HLW solidified under the project was stored (Section 2(a)). DOE has met or will meet all of the vitrification, waste management, and decommissioning requirements set forth in the West Valley Demonstration Project Act.

24.4. DOE recognizes the increased environmental impacts inherent in shipping waste offsite for storage prior to disposal, including increased transportation risk and human health risks to workers and the public at the offsite locations. These impacts are analyzed and acknowledged in the Draft and Final WVDP Waste Management EISs. Appropriate NEPA reviews would be conducted before any decision were made to ship specific TRU waste or HLW volumes to an offsite location for interim storage. Such reviews would address site-specific and cumulative impacts, including the availability of existing storage capacity, the need for additional storage capacity, and impacts to workers and the affected public.

24.5. TRU waste at WVDP could be disposed of at WIPP if the waste is determined to meet the requirements for disposal in that repository. If some or all of WVDP's TRU does not meet these requirements, DOE would need to explore other alternatives for disposal of the waste. Additional NEPA review would be conducted if DOE were to propose to dispose of TRU waste at a location other than WIPP.

HLW generated at the WVDP site is eligible for disposal in a geologic repository. This waste volume (up to 300 canisters) was specifically analyzed in the Yucca Mountain Repository EIS (Appendix A, Section A.2.3.5.1). The shipment of waste to offsite locations for interim storage is not DOE's preferred alternative. Under the preferred alternative (Alternative A), TRU waste and HLW would continue to be stored at the WVDP site until such time as disposal offsite could be arranged.

Document #0025: Comment 25.1
Mr. Olmsted (public meeting transcript)

MR. CHAMBERLAIN: Jeremy, if you'd come up to the podium.

MR. OLMSTED: Sure.

MR. CHAMBERLAIN: If you don't mind, it will just make it a little easier for her to hear.

MR. OLMSTED: Olmsted, O-L-M-S-T-E-D, with apologies to my companion, James Pickering, I would offer the comment as to whether just what effect do -- does the decision making -- the bureaucratic channels of decision making have on the technological competency of doing their job? And my initial feeling is that it won't change the abilities of the people who are carrying out the work here at the Demonstration Site. End of comment. 25.1

MR. CHAMBERLAIN: Okay. Thank you, Jeremy. Anyone else? Okay, thank you.

(Whereupon the proceedings were then concluded.)

Document #0025: Comment
Mr. Olmsted (public meeting transcript)

C E R T I F I C A T E

I, Doreen M. Sharick, do hereby certify that I have reported in stenotype shorthand the proceedings in the Public Comment Session for the Draft West Valley Demonstration Project Waste Management Environmental Impact Statement, held at the Ashford Office Complex, 9030 Route 219, Ashford, New York, on Wednesday, June 11, 2003;

And that such transcript, numbered pages one through twenty-five, is an accurate and correct record of my stenotype notes.

Doreen M. Sharick

Doreen M. Sharick, Notary Public

Document #0025: Response

25.1. Thank you for your comment.

REFERENCES

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