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UNITED STATES

DEPARTMENT OF ENERGY

DRAFT EIS FOR THE DISPOSAL OF GREATER-THAN-CLASS C
LOW-LEVEL RADIOACTIVE WASTE AND GTCC-LIKE WASTE

2:00 p.m.

Wednesday, May 25, 2011

Hilton Garden Inn

815 14th Street, NW

Washington, D.C. 20005

1 P R O C E E D I N G S

2 MR. BROWN: It's now time to receive your
3 comments on the Draft EIS. This is your opportunity to
4 provide DOE with oral comments, including what you
5 would like to see as a preferred alternative or what
6 factors DOE should consider in determining a preferred
7 alternative.

8 A court reporter will transcribe your comments
9 for the administrative record.

10 Let me review a few ground rules for this part
11 of the Agenda. Please step up to this microphone when
12 your name is called, introduce yourself, providing an
13 organizational affiliation, where appropriate.

14 If you have a written version of your
15 statement, please provide a copy to the court reporter
16 at the conclusion of your remarks.

17 I will call two names at a time, the first of
18 the speaker and the second of the person to follow.

19 In view of the few people who signed up to
20 speak, we will not have any sort of time limit during
21 this session. In the past, we've generally had five
22 minutes. Most people have been able to conclude their

1 remarks in five minutes.

2 Arnie Edelman will be serving as the hearing
3 officer for the Department of Energy during this
4 portion of the hearing but will not be responding to
5 questions or comments.

6 So with that by way of introduction, let me
7 call on our first speaker, John Greeves, if you're
8 ready. We actually have only one other person signed
9 up who is not here yet. So, John, you have the
10 privilege of going first.

11 And I think I said at the other meeting where
12 I didn't impose a time limit, while there's no time
13 limit, if the audience begins nodding off, that's your
14 cue to conclude.

15 MR. GREEVES: Okay. Well, I take it there's
16 no time limit then.

17 MR. BROWN: That's correct.

18 MR. GREEVES: So could you queue up my
19 PowerPoint, please, presentation for me?

20 MR. BROWN: That's not --

21 MR. GREEVES: You said I had no time limit.

22 MR. BROWN: That will cost you extra.

1 MR. GREEVES: Good. Glad to be here. Sorry
2 about, you know, anyhow, the few turnout in speakers,
3 commenters.

4 Hey. Any time I get to come back and meet
5 Holmes Brown, this is wonderful. It's been a decade,
6 long time.

7 MR. BROWN: Must be a pretty boring life.

8 MR. GREEVES: It's pretty interesting,
9 actually.

10 Well, with that, first, I'd like to thank DOE
11 for putting these meetings on, this one. I'm sorry the
12 turnout's not a bigger turnout, and so given there's no
13 time limit, I won't keep you here that long, really.

14 Got a few things. I'm representing myself,
15 John Greeves. I'm not representing any organization
16 beyond myself. I do have a few comments.

17 First, it's clear DOE has not provided a
18 preferred alternative. Having done EISs during my
19 career, I find that a little unusual. Normally, the
20 Federal Government's required to identify a preferred
21 alternative, so I'm disappointed that there is no
22 preferred.

1 We, as commenters, really do a better job
2 commenting to you if you tell us what your preferred
3 alternative is because I just don't know how hard I
4 need to take this on or support you because I don't
5 know what the preferred alternative is. So I'm
6 surprised there is no preferred alternative and I
7 wonder.

8 This notion of coming out with a Final EIS
9 with a preferred alternative, that really doesn't give
10 me time to comment on the preferred alternative. So
11 something doesn't seem right there. Maybe you should
12 think about a draft or something with the preferred
13 alternative and I'll come back and give you my comments
14 then. In any event, so that's really the first comment
15 is I much would have preferred to see a "preferred
16 alternative" or I'd like to see one in the future, and
17 I think you'll get a little different flavor of
18 comments to the extent that that would happen.

19 And it sort of begs the question do you need a
20 preferred alternative before you go with the Final EIS?
21 So I'm blithering on here but you gave me no time
22 limit, so anyhow.

1 All right. The second comment. That was all
2 one comment. The second comment is I have read some of
3 your work and I'm a little surprised that you didn't
4 include mine cavities.

5 I've worked this issue all over the world.
6 Most all the people I've talked to have looked at mine
7 cavities for intermediate level waste which is what
8 this is in the international speak and that's not one
9 of your alternatives. So I'm curious as to why you
10 didn't consider a mine cavity.

11 Deep bore holes make some sense. I've seen
12 the work the department's done in the past but not
13 including a mine cavity struck me as a why not. So at
14 some point you might want to explain why you didn't
15 include a mine cavity approach.

16 For all the reasons that you said earlier, it
17 is very expensive and a lot of other countries are
18 looking at, have looked at mine cavities and it's just
19 not on your list. So that's the second comment.

20 By the way, I have more comments. I'm just
21 not going to give them all to you today. You're
22 grateful for that, I'm sure.

1 The third comment. The NRC requirements for
2 greater-than-Class C waste, other than putting it in a
3 deep geologic repository, and you've seen how much
4 success we've had at that, there are no other standards
5 for GTCC and so that begs kind of a question I'm going
6 to end with but along with that, you've done this
7 evaluation.

8 I've only preliminarily looked at this, but I
9 would think that you'd want to look at these sites and
10 see if any of them could meet a reasonable standard
11 and, frankly, some of them don't look like they could
12 meet a reasonable standard. So why would you carry
13 them? You know, 200+ millirem for a site and even
14 larger numbers, why are they still in the pool?

15 So I would like to see more of that as you go
16 through the process and we know at the sites that
17 clearly are not going to meet any reasonable standard,
18 that those sites are not going to meet a Part 61
19 standard, some of the ones you're looking at. So,
20 anyhow, if you could winnow those out, that would be
21 quite useful.

22 Another point is who actually pays for this

1 GTC waste disposal? Maybe it's there and I only read a
2 portion of the report. And what would be the cost
3 differential for going from one site to another? It's
4 a huge document. I didn't read all of it. So if it's
5 there, great. Just help me find it. But if it's not,
6 I think that's something you'd want to make transparent
7 as you go forward with the Final.

8 Can I ask NRC any questions, by the way? I
9 can ask but they're not required to respond. Yeah. I
10 figured that was the answer. In fact, DOE's not going
11 to respond either. Okay, okay.

12 But, anyhow, the report rightfully identifies
13 the Amendments Act, says that this would be a facility
14 licensed by the Nuclear Regulatory Commission. Well, I
15 read your report and the report implies that, well,
16 maybe not, that if it's a DOE facility, that NRC
17 wouldn't license it. So I'm real curious as to what's
18 the basis for that and I'm real curious to NRC's answer
19 to that question.

20 Do they feel like they're not the one to
21 license the facility? The way I read the Act -- you
22 know the Act well, Holmes. Maybe we could have a

1 little sidebar conversation about this. The way I read
2 it was it was licensed by the Nuclear Regulatory
3 Commission, period. There wasn't any doubt in my mind
4 a couple of decades ago. So you don't have to give me
5 an answer. I'll ask you after the meeting.

6 So that's something. I know there's a letter
7 on the record asking the NRC what their comments are,
8 so I'll look forward to their comments in answering
9 that question, and I don't quite understand where DOE's
10 concluded that NRC would not license a DOE site. I'm
11 just not clear. That needs to be quite transparent
12 before a Final EIS is done.

13 You know, I'd just comment, because this is
14 what this is about, I think that having an independent
15 regulator review this type of activity is quite good,
16 quite robust, being a former regulator, and I think you
17 gain a lot of credibility.

18 The Congress saw the wisdom of putting NRC in
19 the equation on the 3116 legislation for the waste
20 incidental reprocessing and, you know, DOE didn't have
21 to answer to anybody prior to that point in time but
22 they do now and NRC is doing all that work. So it's

1 not unprecedented and my comment is I think that,
2 regardless of what it is, having an independent
3 regulatory review NRC would be fine, as far as I'm
4 concerned, but not having anybody is not a good idea.

5 Okay. And then I'm not going to keep you much
6 longer. The last comment is not having a standard for
7 GTCC is a problem. We've got a lot of experience at
8 Yucca Mountain doing standards on the fly and you see
9 how that's worked out.

10 So I'm not sure how you're going to deal with
11 this comment, but you're doing an EIS and you don't
12 really have a standard for this facility and it didn't
13 work so well at Yucca Mountain doing it on the fly.
14 That thing went on for decades and I'm very familiar
15 with that, unfortunately.

16 So that's my last comment today and I'd
17 actually like to hear the answers to all these, but I
18 think I'm going to have to wait awhile to see some of
19 that.

20 So I think that comes to about five different
21 comments and sorry I took so long, but it doesn't look
22 like there's anybody beating me up to get out of the

1 way, and I'm sorry I wasn't able to deliver my
2 PowerPoint slides but just I've been overruled on that.

3 So, all right. Good. Thanks for listening
4 and I'll look forward to hearing how these comments get
5 addressed over time. If you want some more, I've got a
6 couple of others but I'm kind of holding those till
7 June 27th or whatever that date is.

8 All right. Thank you.

9 MR. BROWN: Thanks. The other person who
10 signed up to speak has not arrived yet. So let me ask
11 if there's anyone in the audience who, based on Arnie's
12 presentation or some comments that John has made, if
13 anybody would like to add anything at this point.
14 You're certainly welcome to. Any volunteers?

15 (No response.)

16 MR. BROWN: Okay. We are -- in circumstances
17 like this, and this has occurred at several other
18 meetings where we've had scheduled time still
19 available, we will recess at this point.

20 If, at any point, anyone in the audience would
21 like to add comments, you can see me and, as I said, we
22 do have one other person signed up to speak that we

1 expect to arrive and at the point where she arrives
2 again, we'll reconvene and recommence taking public
3 comment.

4 So again, we'll simply recess temporarily at
5 this point. Thanks.

6 (Whereupon, at 2:38 p.m., the Public Hearing
7 was concluded.)

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1 CERTIFICATE OF COURT REPORTER

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3 I, ERICK MCNAIR, the officer before whom the
4 foregoing meeting was taken, do hereby certify that
5 this meeting was taken by me in steontype and
6 thereafter reduced to typewriting by me; that said
7 deposition is a true record; that I am neither counsel
8 for, related to, nor employed by any of the parties to
9 the action in which this meeting was taken; and,
10 further, that I am not a relative of employee of any
11 counsel or attorney employed by the parties hereto, nor
12 financially or otherwise interested in the outcome of
13 this action.

14

15 ERICK MCNAIR

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COURT REPORTER

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