

GREATER-THAN-CLASS-C ENVIRONMENTAL IMPACT
PUBLIC MEETING

May 11, 2011

Shilo Inn

Idaho Falls, Idaho 83402

Transcribed by: Shantae Miller, RPR, CSR

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P R O C E E D I N G S

(The following public meeting proceeded as follows:)

MR. BROWN: Again, if folks will take their seats, we'll get started with the public comment period.

It's now time to receive your public comments on the Draft EIS. This is your opportunity to provide DOE with oral comments on the Draft EIS, including what you would like to see as a preferred alternative, or the factors that DOE should consider in making a choice of the preferred alternative.

The court reporter will transcribe your comments for the administrative record. Our reporter for tonight is Shantae Miller who is seated over there.

1 DOE has stated how critical your input
2 is to the development of this EIS. This evening's
3 format is designed to ensure that all interested
4 parties have equal opportunity to provide input. In
5 order to do this, let me review a few ground rules
6 for this part of the agenda.

7 Please step up to the microphone over
8 there when your name is called, introduce yourself,
9 provide an organizational affiliation where
10 appropriate.

11 If you have a written version of your
12 statement, please provide a copy to the court
13 reporter after you've completed your remarks. Also,
14 please give the reporter any additional attachments
15 to your statement that you would wish to be entered
16 into the transcript. Each will be labeled and
17 submitted for inclusion in the formal record. I will
18 call two names at a time. The first of the speaker,
19 and the second of the person to follow.

20 In view of the number of folks who have
21 signed up to speak tonight, usually I place some sort
22 of time limit, and it has generally been about five
23 minutes. In the six meetings we've had so far, five
24 minutes has proved adequate time.

25 Again, given how few people have signed

1 up tonight, I think it's preferable if you're going
2 to run just a little over five-minutes, to have you
3 complete your comments all at once rather than having
4 to stop and start again. But I'm assuming that
5 nobody is going to filibuster, so... I lived in D.C.
6 a long time so I heard quite a few of those things.

7 Recall additionally that all types of
8 comments that are submitted for the record, whether
9 they're oral tonight or whether they're submitted
10 electronically or by mail, all count equally in
11 determining DOE's position on the EIS. And the
12 closing date for comments is June 27th.

13 Arnie Edelman will be serving as the
14 hearing officer for the Department of Energy during
15 this formal comment period. He will not be
16 responding to any questions or comments during this
17 session.

18 So with that, by introduction, let me
19 call our first speaker from the Governor's office,
20 Mike Webster, and he will be followed by Stevan Piet.

21 MIKE WEBSTER: I think you already introduced
22 me, didn't you?

23 MR. BROWN: I did.

24 MIKE WEBSTER: That's not on the record.

25 MR. BROWN: You can confirm identification.

1 MIKE WEBSTER: Okay. I'm Mike Webster
2 from -- representing the Governor of the great State
3 of Idaho. And his letter reads:

4 "Dr. Steven Chu, Secretary, U.S.
5 Department of Energy. Regards: Greater-Than-Class C
6 Waste Disposal Draft Environmental Impact Statement.
7 Dear Secretary Chu, as Governor, I write to express
8 my objection to the U.S. Department of Energy's
9 proposal to dispose of Greater-Than-Class C waste or
10 GTCC-like waste generated outside of Idaho in our
11 great state.

12 The Idaho National Laboratory is a
13 preeminent nuclear energy research and engineering
14 facility and a valuable asset to the nation and
15 Idaho. I firmly believe the INL will be a leader in
16 our nation's nuclear renaissance. Proposing the INL
17 as a disposal site for GTCC waste is inconsistent
18 with my vision for the Site and incompatible with its
19 mission to ensure the nation's energies, security
20 with safe, competitive, and sustainable energy
21 systems, and unique national and homeland security
22 capabilities. Idaho embraces this vision for the
23 future of INL and is not willing to risk that future
24 by turning INL into a disposal facility for the
25 off-site waste.

1 The potential selection of the INL for
2 the GTCC waste is contradictory to the DOE's cleanup
3 progress in Idaho. As you know, the INL has been
4 used in the past to store or dispose of radioactive
5 waste that was generated outside of Idaho. Some of
6 that historic waste is similar to the GTCC or
7 GTCC-like waste under consideration in the Draft EIS.

8 The State and DOE resolved years of
9 conflict regarding the historic waste by agreeing to
10 a retrieval and a removal program that had been
11 successfully implemented by DOE. Selecting INL now
12 would be inconsistent with the intent and
13 understandings of the 1995 Settlement Agreement.

14 In the face of our agreements and the
15 great progress DOE has made, it makes no sense to
16 change directions by selecting INL for further
17 disposal of additional out-of-state radioactive
18 waste.

19 The Nuclear Regulatory Commission
20 regards deep geological disposal of GTCC as the most
21 appropriate method. Such repository currently exists
22 in other states and should be selected as the
23 disposable site for this material.

24 Even if alternatives to deep geological
25 disposal, such as trenches, deep bore holes, or

1 vaults are deemed acceptable, the INL is located on
2 top of the Snake River Plain Aquifer, the largest
3 fractured basalt aquifer in the country, estimated to
4 have a volume the size of Lake Erie. It is a
5 federally designated sole source aquifer for more
6 than 200,000 people. As such, the INL is not a
7 suitable disposal site when other safer and more
8 appropriate locations are available.

9 I understand the DOE must consider a
10 range of alternatives in this decision-making
11 process; however, the INL is not a viable option for
12 the aforementioned reasons.

13 In Idaho, we are working towards a new
14 tomorrow when it comes to nuclear energy. We want to
15 close the chapter as an off-site disposal facility
16 and continue as a leader in the nuclear renaissance.

17 Additional written comments will be
18 provided by the State, through the Department of
19 Environmental Quality during the public comment
20 period.

21 Please do not hesitate to contact my
22 office at (208)334-2100; or Toni Hardesty, Director
23 of DEQ at (208)373-0502.

24 As always-Idaho, Esto Perpetua, C.L.
25 "Butch" Otter, Governor of Idaho.

1 Thank you.

2 MR. BROWN: Thanks very much.

3 Stevan Piet.

4 MIKE WEBSTER: I give this to whom?

5 MR. BROWN: The court reporter. Thank you.

6 Stevan will be followed by Darryl Siemer.

7 STEVAN PIET: Hello. The first thing I have
8 to do is pronounce my name correctly. It's Steve
9 Piet.

10 MR. BROWN: Piet. Okay.

11 STEVAN PIET: Don't worry about it. Everyone
12 gets it wrong. It's great because when I get a
13 telemarketer call at home, I know it's not a friend
14 or a relative.

15 I have four points. Number one, it is
16 high time that the nation had a waste management
17 classification system based on the characterization
18 of waste and not the source. When you read these
19 sorts of documents, this thing is coming from here,
20 it's coming from there, it's DOE, it's NRC, it's
21 commercial, it's high-level waste. That's garbage.
22 You've got to have a clear, unambiguous, consistent
23 characterization-based waste management
24 classification scale.

25 Point number two, my reaction to the

1 various alternatives. I oppose the no-action
2 alternative because no action is no solution. It
3 doesn't get things done. It leaves problems to my
4 children, and who will some day, perhaps, have their
5 own children.

6 I oppose the deep geological burial idea
7 that, apparently, the Governor loves. It's way too
8 expensive and it's a -- it's an overkill. I think
9 the idea of disposing things at WIPP in a trench, or
10 in a vault, any of those could be made to work.

11 I oppose the bore hole approach for
12 three reasons. Number one, as stated in the Draft,
13 it cannot be implemented everywhere in the country.
14 So from a geographical equity prospective, bore holes
15 are a loser. Number two, I don't believe I know how
16 to monitor it in a reliable way, whereas I know I can
17 monitor trenching and vaults. Finally, the last
18 argument against bore holes is if I screw up or I
19 decide later that I want to undo things, I don't know
20 how to reverse it. So those are criteria that I
21 would like to see DOE consider; geographical equity,
22 monitoring, and reversibility. Bore holes do have
23 one useful purpose, and that's the place where we
24 could deposit excess lawyers.

25 The third point, the Draft uses the

1 tired, old, discredited approach of linear dose
2 response. It looks like a value of about .05
3 fatalities per person. It's especially wrong in
4 using that approach when you're dealing with
5 population doses. The ICRP, the Health Physics
6 Society, the French National Academy, the Japanese,
7 and so forth, all say don't do that. You are
8 overestimating cancer risk when you do that. It is
9 not justifiable science.

10 And the fourth point is bring the waste
11 here and send us money to do it. Thank you.

12 MR. BROWN: Thank you. Darryl Siemer, and he
13 will be followed by Beatrice Brailsford.

14 DARRYL SIEMER: I guess we've got the names
15 right this time. We pronounced them right. I guess
16 my concern with this, I agree that this nation needs
17 a Greater-Than-Class C repository site. It
18 definitely does need one. This isn't the best quick
19 possible remedy to be implemented here.

20 The thing that concerns me about this is
21 that I see it as a backdoor, a way for DOE to end up
22 leaving its reprocessing waste at the Site for quite
23 a number of years. I used to work at the Site as a
24 consulting scientist in the management technology
25 development business.

1 And we have over the years -- the Site
2 has over the years talked itself out of doing
3 everything that's logical with its reprocessing
4 waste, and is left with illogical things to do. Most
5 prominently, the steam reforming of the remaining
6 liquid reprocessing waste that are still in the
7 tanks.

8 Steam reforming is a way of calcining
9 waste in a spectacular, only inefficient fashion. We
10 could and should have calcined those sediments a long
11 time ago using the already-paid-for Calcine with a
12 flow sheet that was developed at Argonne National Lab
13 in the 1950's. That could have been done. It should
14 have been done, which would have put all of the
15 reprocessing waste developed at this particular
16 site -- and one would have to classify most of the
17 waste that was so processed as nondefense waste,
18 unlike the waste that was processed at Savannah River
19 and Hanford and places. So this nondefense type
20 reprocessing generated this site as a uniquely
21 inefficient disposal path right at this point.

22 Starting off with this rebuilding of a
23 calciner, renamed and reformed instead of calcining.
24 The project cost -- it started off with \$45 million.
25 The latest official guess is \$571 million. It's way

1 behind -- way behind schedule. Contractors are going
2 to make a heroic effort to get the thing started,
3 which means it's contaminated before this contract
4 runs out in a year and a half, that's when the
5 contract ends out.

6 When they run that facility, if it runs,
7 which is highly questionable, it's going to create
8 vast amounts of very fluffy, readily water soluble,
9 high carbon containing dust and granules, which are
10 unsuitable for converting into a real waste plant,
11 that is, a chunk of glass, and it will be
12 spectacularly expensive.

13 And DOE, of course, has no place to
14 dispose of it. Now, DOE had sold this whole idea to
15 the State of Idaho based on the notion that this
16 particular reprocessing waste, largely because it
17 hasn't calcined yet, wasn't really a reprocessing
18 waste. And, therefore, wasn't a high-level waste,
19 just like everything else that had been calcined
20 through the same process previously.

21 It was going to be done and then it was
22 going to be shipped off to WIPP. So a part of the
23 original contract let back in 2005 was not only that
24 it would be steam reformed, it would be shipped to
25 WIPP. And the WIPP folks that decide what's going to

1 go to WIPP had openly declared well before this
2 contract was left that it would not be satisfactory
3 to ship it to WIPP.

4 DOE went ahead and sold it to the
5 locals. The locals loved this idea because it takes
6 a lot of time, spends a lot of money right here in
7 the good old State of Idaho.

8 And so the contract is lifted, the thing
9 is gone. And then if it works, it's going to create
10 all of this stuff that's not going to go to WIPP.
11 It's not going to go to a high-level waste repository
12 either because we don't have one.

13 Where is it going to go? Well, if one
14 looks at this fluff, this water soluble, carbon
15 containing, highly volumetric or highly voluminous
16 stuff that's going to come out of the reformer, if it
17 works, one can classify it as a Greater-Than-Class
18 C-like waste because, technically, that's what it's
19 going to be.

20 Now, DOE has made many arguments over
21 the years that this stuff really isn't high-level
22 waste, so I presume, and I think it's likely, that
23 this stuff, if they can get the process to run, will
24 go into a repository just like we're talking about
25 here situated at this site. And, again, this is an

1 observation, based on working at the Site for
2 30 years and seeing how decisions are made.

3 We back ourselves into a corner. We
4 don't have any place to get rid of this stuff, and
5 now we're going to open up a repository that will
6 seemingly fit this stuff. I just wanted you guys to
7 be aware of this. Thank you.

8 MR. BROWN: Thanks very much.

9 Beatrice Brailsford, and she will be
10 followed by Dennis Donnelly.

11 BEATRICE BRAILSFORD: Thank you. My name is
12 Beatrice Brailsford, I'm with Snake River Alliance,
13 Idaho's nuclear watchdog and advocate for clean
14 energy since 1979.

15 MR. BROWN: Can you speak a little more into
16 the mic?

17 BEATRICE BRAILSFORD: Okay. The Alliance --
18 well, then I can't see my notes.

19 MR. BROWN: Okay.

20 BEATRICE BRAILSFORD: There. How is that?
21 The Alliance will be submitting written comments,
22 thank heavens. The Snake River Alliance has long
23 advocated that nuclear waste is to be stored as
24 safely as possible as close as possible to its point
25 of generation.

1 After 9/11, the Alliance, many other
2 organizations that share similar views, re-examined
3 that perspective, and added the notion that the
4 storage as close as possible to its point of
5 generation should be in hardened on-site storage.

6 I would like to state very firmly
7 hardened on-site storage is not no action. You know,
8 the whole notion that "If we don't move waste, we're
9 not doing anything with waste," is not correct.

10 This study has a number of problems, and
11 I will just note a couple of them. This -- the waste
12 that we're talking about here is not even yet waste.
13 It's still in the middle of the reactor buildings, by
14 and large. It's not a waste stream. It is decades
15 from being a waste stream. So we don't have to
16 decide this evening what to do with it. It will be,
17 what, 60 years before this waste stream is a waste
18 stream.

19 Another issue with this particular
20 study, all the sites, not surprisingly, are DOE
21 sites, all of the sites that we're looking at for
22 disposal of this waste. They don't necessarily have
23 anything else in common other than that they're
24 Department of Energy sites and they're already
25 contaminated.

1 I would say that the DOE has to go back
2 and look more broadly down the road, "What do we need
3 for this kind of waste?" I would like to obviously
4 reiterate the notion that if the Nuclear Regulatory
5 Commission says this should be in a deep geologic
6 repository, then that is -- that's the starting point
7 for the analysis.

8 But the repository question as discussed
9 in this Draft, is a little odd. First of all, the
10 Department of Energy, the United States Government is
11 required by law to develop a second repository, other
12 than Yucca Mountain, and certainly other than WIPP.

13 The Waste Isolation Pilot Plant is by
14 law -- and, again, you know, the Department of Energy
15 is a government agency, by law, WIPP cannot accept
16 commercial waste. And I want to talk about that as
17 someone from Idaho. You know, Idaho sends a fair
18 amount of waste to other places for disposal,
19 noticeably WIPP, but, you know, the Nevada Test Site,
20 EnviroCare -- Energy Solutions, I'm sorry.

21 But we also receive waste for long-term
22 storage, noticeably from the Nuclear Navy. The --
23 there is, you know, the nuclear waste management has
24 a lot of aspects to it. It's, you know, a technical
25 problem. It's an economic problem, for sure. It's a

1 cultural problem. And it's a social -- it raises
2 some social questions. And one of the most important
3 questions it raises is equity.

4 And if Idaho -- you know, the deal has
5 been made that Idaho will accept a certain number of
6 shipments a year of extraordinarily radioactive
7 waste, part of that deal is that Idaho is
8 acknowledged not to be the appropriate place for that
9 waste to stay until the end of time.

10 That's a deal we've made. If we then
11 advocate that it's okay for the DOE to break its deal
12 with the people of New Mexico, what's to stop the DOE
13 from breaking the deal with the people of Idaho?
14 Where do we stand in that equation?

15 As important, you know, on this planet,
16 nobody has really figured out how to establish a deep
17 geological repository for high-level waste. And if
18 we start breaking our promises to the only place on
19 this planet that has accepted the establishment of a
20 deep geologic repository, think how hard the next one
21 is going to be to establish.

22 You know, if folks in Finland, or folks
23 in any place else on the planet say, "Okay, New
24 Mexico said they would take a certain quantity of a
25 certain kind of waste and the United States

1 Government broke their word," that's going to be a
2 problem. And it's certainly going to be a problem
3 here in Idaho if we start seeing the twinkle in the
4 eye of the federal government that it's going to
5 break its promise to us.

6 So I would say that the problem with
7 this Draft is there's no rush. It's like, we're
8 having to make this decision in 2012 to solve a
9 problem that we don't yet really have, and we're
10 looking at it -- a lot of what we're looking at as
11 alternatives are really not alternatives if we accept
12 the notion that the federal government is going to
13 obey the law.

14 So I would suggest that the Department
15 of Energy withdraw this Draft. I'm glad to hear that
16 other members of the public have advocated hardened
17 on-site storage. And I will say that I heard some
18 folks in the Blue Ribbon Commission the other day
19 speaking fairly acceptingly of that notion. Thanks.

20 MR. BROWN: Thank you. Our next speaker is
21 Dennis Donnelly.

22 DENNIS DONNELLY: Hi. I'm Dennis Donnelly,
23 currently unaffiliated with any organization.

24 MR. BROWN: Can you speak a little closer to
25 the mic?

1 DENNIS DONNELLY: Yes.

2 MR. BROWN: Thanks.

3 DENNIS DONNELLY: I would like to point out
4 that the EIS considers -- see, apparently considers a
5 10K year time frame, and when you say "transuranics"
6 the radioactive lifetimes is far longer than
7 10,000 years.

8 And I would like to say, to be
9 meaningful, it has to address the full length of the
10 radio toxicity of these materials involved. I
11 noticed that the EIS concluded there was to be no
12 dose from the Nevada Site. I would like to ask if
13 they considered the possibility of hydro-magmatic
14 volcanic activity at the Nevada Site.

15 For example, in Death Valley, just over
16 the hill, there's a place called Ubehebe Crater which
17 had a hydro-magmatic explosion. These events can put
18 hundreds of square miles of subterranean contents in
19 the air right now, and could potentially -- well,
20 take out -- take all of that waste if they want to
21 put in there out into the air and it is -- it has to
22 be considered in any EIS. Otherwise you look like
23 (inaudible) with their not considering fully the
24 implications of an earthquake and tsunami. And you
25 know how that ends. It's not pretty.

1 At the WIPP Site, they also say there's
2 no ghost. Build a second hole in the ground in the
3 area, not the WIPP Site. They can't take it. Well,
4 have they considered the possibility -- or the actual
5 failure of burial in salt, the first attempt to do
6 that at Lyons, Kansas historically 40, 50 years ago.
7 It was a failure because the salt repository in
8 Lyons, Kansas where they built the demonstration
9 facility failed. They pumped water in it and the
10 water disappeared. It doesn't contain the waste
11 really.

12 In that area, there is Carlsbad, Canada,
13 which is evidence of subterranean water right in that
14 area, and making big holes in the ground and moving
15 things around. What I'm saying is also that the --
16 this EIS has not adapted the best practices in
17 actually guaranteeing a site where volcanic activity
18 and groundwater cannot act to move these wastes
19 around. And so it is on its surface, very
20 incomplete.

21 I guess all of this stuff adds up to the
22 fact that we don't know how to do that. For 70 years
23 we've had an atomic industry that really hasn't done
24 any serious research; nor do they know how to isolate
25 the products of these things which will last eons in

1 the environment. So it is essentially meaningless to
2 have a category such as Greater-Than-Class C or high
3 level or low level if you don't know what to do with
4 any of it. To me, it sounds like the Wall Street
5 brokers and their (inaudible), all of these different
6 categories that nobody really, really understands
7 unless you make a living doing it. And it's all
8 pretty meaningless.

9 The challenge would be to isolate this
10 stuff, if possible, and to stop creating more. Thank
11 you.

12 MR. BROWN: Thanks very much. That concludes
13 the list of folks who signed up ahead of time to
14 speak. I'll ask if there's anyone else in the
15 audience who hasn't spoken yet who would like to add
16 any comments for the record?

17 It sounds a little like a marriage
18 ceremony.

19 (Laughter.)

20 MR. BROWN: Now is your chance to step
21 forward, folks. All right. Well, we are scheduled
22 to remain in session to take comments for some time
23 so what we do in this instance, is we will recess at
24 this point. So if any of you are moved to comment,
25 we will reconvene. Or if some folks are coming later

1 and arrive and want to speak, again, we'll reconvene
2 and take their comments.

3 So, again, thank you for your
4 attendance, thanks for your comments, and we will
5 recess.

6 (A recess was taken.)

7

8 (The public meeting concluded at 9:00 p.m.)

9 -ooOoo-

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CERTIFICATE OF NOTARY PUBLIC

I, Shantae Miller, CSR, RPR, and Notary Public in and for the State of Idaho, do hereby certify:

That said public hearing was taken down by me in shorthand at the time and place therein named and thereafter reduced to typewriting under my direction, and that the foregoing transcript contains a full, true, and verbatim record of said public hearing.

I further certify that I have no interest in the event of the action.

WITNESS my hand and seal this 18th day of May 2011.

Shantae Miller
Idaho CSR, RPR
Notary Public in and for
the State of Idaho.

My Commission Expires: 12-31-17