

UNITED STATES DEPARTMENT OF ENERGY

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PUBLIC SCOPING MEETING

FOR THE GREATER-THAN-CLASS C  
LOW-LEVEL RADIOACTIVE WASTE  
ENVIRONMENTAL IMPACT STATEMENT  
UNITED STATES DEPARTMENT OF ENERGY

+ + + + +

August 22, 2007

Department of Energy  
Oak Ridge Information Center  
475 Oak Ridge Turnpike  
Oak Ridge, Tennessee

6:40 p.m.

FACILITATOR: HOLMES BROWN

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

PRESENT FROM THE AGENCY:

CHRISTINE GELLES, Director

Office of Disposal Operations (EM-12)

Department of Energy

JAMIE JOYCE

GTCC EIS Document Manager

Department of Energy

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

(6:46 p.m.)

MR. BROWN: If folks will take their seats, we'll get started. I think we're officially scheduled to get started at seven. But it looks like everybody is here and has had a chance to look at the posters. I thought we'd get started just a bit early.

Good evening, welcome to this public scoping meeting on the proposed Environmental Impact Statement on the disposal of greater-than-class C low-level radioactive waste. The development of an Environmental Impact Statement for this project by the Department of Energy's Office of Disposal Operations is required by the National Environmental Policy Act.

My name is Holmes Brown and I will serve as the Facilitator for this event. My role is to ensure that the meeting runs on schedule and that everybody has an opportunity to speak. I'm not an employee of the Department of Energy nor an advocate for any particular party or position.

At the Registration Table you should have received a participant's packet in the green

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1 folder. If not, please raise your hand so staff  
2 can bring one to you. It's a convenient place to  
3 take notes during the briefing that will follow  
4 in a few minutes.

5 There are three purposes for tonight's  
6 meeting.

7 First, to provide information on the  
8 content of the Proposed Environmental Impact  
9 State, or PEIS, and on the National Environmental  
10 Policy Act, NEPA, that governs the process.

11 Second, to answer your questions on  
12 the proposed EIS and NEPA.

13 And third, to receive and record your  
14 formal comments on the scope of the proposed EIS.

15 The agenda for tonight's meeting  
16 reflects these purposes.

17 We will begin with a presentation by  
18 Ms. Christine Gelles regarding the Proposed  
19 Environmental Impact Statement. Ms. Gelles is  
20 the Director of the Office of Disposal  
21 Operations, which is the DOE office charged with  
22 preparing the EIS.

23 To answer your questions, project  
24 staff are available throughout the evening at the  
25 display posters. They can discuss the proposed

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1 EIS and the NEPA process, the contents of the  
2 printed materials, and the contents of the DOE  
3 presentation.

4 Following Ms. Gelles' presentation, we  
5 will recess briefly so that the public may pursue  
6 further questions with available staff.

7 Once we reconvene the Court Reporter  
8 will be available to receive your comments and  
9 suggestions regarding the scope of the proposed  
10 EIS for greater-than-class C waste. All of your  
11 comments will be transcribed and made part of the  
12 permanent record.

13 We'll begin with a presentation by Ms.  
14 Christine Gelles. She will discuss the  
15 background of the project and the purpose and  
16 basic elements of the proposed EIS.

17 MS. GELLES: Good evening. Can you  
18 hear me okay? Great.

19 Welcome to the greater-than-class C  
20 low-level radioactive waste Environmental Impact  
21 Statement public scoping meeting. Which I will  
22 refer to the document throughout my presentation  
23 as the GTCC EIS and I'll probably get that wrong  
24 half the time. It's a lot of letters.

25 I am Christine Gelles. I'm the

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1 Director of the Office of Disposal Operations  
2 within the Office of Environmental Management at  
3 Department of Energy Headquarters. I am  
4 supported here tonight by a number of members of  
5 the greater-than-class C Project Team, including  
6 our lab representatives. And I just want to  
7 introduce them quickly.

8 We've got Jamie Joyce. He is our  
9 Document Manager and my Team Lead at  
10 Headquarters.

11 We have John, who is from Sandia  
12 National Labs supporting us.

13 Bruce from Argonne National Lab, also  
14 a very key player in our EIS development.

15 Mary, back there, raise your hand,  
16 back by the sound. She's one who was greeting  
17 you by the table.

18 Where's Joel? I'm sorry, Joel. In  
19 the very back of the room. He's one of our  
20 Federal employees from Headquarters.

21 And George Dixon.

22 Did I miss anybody who is here who is  
23 traveling with us? Okay.

24 Big change from Public Scoping  
25 Meetings. I just wanted to make sure I gave you

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1 an opportunity to find them. Look for their name  
2 tags here when we do have our recess.

3 The Department has been charged by  
4 Congress to develop this Environmental Impact  
5 Statement and specifically to hopefully have it  
6 resolve in establishing a disposal capability for  
7 greater-than-class C, GTCC, low-level radioactive  
8 waste disposal.

9 I am pleased to be here. I think it  
10 is an important step in the NEPA process and I'm  
11 delighted that so many of you came out tonight.  
12 Just by show of hands, how many are involved with  
13 the Oak Ridge Reservation, either at the lab or  
14 supporting the Advisory Boards or part of the  
15 public who help provide some oversight of our  
16 activities and are actively monitoring what we  
17 do? Great.

18 So hopefully you guys will be very  
19 familiar with some of this terminology. But if  
20 you have any questions, please do ask them during  
21 the recess.

22 This meeting is your opportunity to  
23 present your comments, concerns, issues, and  
24 suggestions regarding the scope of the greater-  
25 than-class C EIS. Your involvement and input is

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1 very important to us and we will be taking  
2 careful note of what you say tonight. All  
3 comments received through this scoping process  
4 will be carefully considered as we work through  
5 the process of analyzing and developing a  
6 disposal capability for GTCC low-level waste.

7 The National Environmental Policy Act,  
8 referred to as NEPA, requires that an  
9 Environmental Impact Statement be prepared for  
10 any major Federal action that could impact the  
11 quality of the environment. The Department has  
12 determined that the development of a GTCC low-  
13 level waste disposal capability is a major  
14 Federal action and is appropriate to be analyzed  
15 in an Environmental Impact Statement.

16 We are in the beginning stages of the  
17 NEPA process with the primary focus at this time  
18 being the identification of the scope of the EIS,  
19 including proposed disposal alternatives and  
20 methods and locations. The comments we receive  
21 here tonight and throughout the public scoping  
22 process will be considered in preparing a draft  
23 EIS. The draft EIS will then be made available  
24 for public comment. And those comments will be  
25 considered in preparing the final EIS and a

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1 Record of Decision.

2 As I will discuss later in my  
3 presentation and repeat more times than you  
4 probably want to hear it, before we make a  
5 decision on the disposal alternative or  
6 alternatives to be implemented, DOE must first  
7 submit a report to Congress that details all of  
8 the alternatives evaluated in the EIS and await  
9 their action before implementing the preferred  
10 alternative.

11 Even after Congress' action,  
12 additional activities will be required before  
13 implementation is ultimately achieved. So  
14 hopefully you can see that we are just the start  
15 of the process and several years away and several  
16 years of hard work ahead of us before we  
17 implement any action.

18 The best way for you to stay apprized  
19 of our progress is to visit our GTCC website and  
20 you'll see that web link in the slides which you  
21 do have a copy of them in front of you. And  
22 again we appreciate your continued support  
23 throughout this process as we work together  
24 toward a sound decision on how to best manage  
25 this GTCC low-level waste stream.

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1           Before I get started with the slide  
2 presentation which will describe the proposed  
3 scope in some detail, I thought it would be  
4 helpful if I just gave you an introductory  
5 description of what greater-than-class C low-  
6 level waste is. GTCC low-level waste is  
7 generated from commercial activities, such as  
8 production of electricity from nuclear reactors  
9 and discarded radioactive sealed sources that are  
10 used in the diagnosis and treatment of cancer.

11           The volume of GTCC low-level waste is  
12 small compared to the other classifications of  
13 low-level waste as defined by the NRC  
14 regulations. Those classes are A, B, and C. But  
15 greater-than-class C has a greater concentration  
16 of radioactivity and therefore, requires special  
17 disposal considerations under the Nuclear  
18 Regulatory Commission Regulations. And that's  
19 why the Department of Energy has been assigned  
20 this responsibility.

21           Again a copy of my presentation is in  
22 your handouts and you can follow along. And the  
23 web address will be available on one of the last  
24 pages.

25           The publication of the Notice of

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1 Intent occurred on July 23rd, 2007 in the Federal  
2 Register. And a correction was published on July  
3 31st to correct a printing error that occurred in  
4 the Inventory Table that appeared in the Notice  
5 of Intent. A copy of both the Notice of Intent  
6 and the correction are again in your handout.

7 The Notice of Intent served several  
8 purposes for the Department. It announced our  
9 intent to develop this Environmental Impact  
10 Statement. It initiated the EIS process. It  
11 requests the public's comments on the proposed  
12 scope of the EIS and announced these meetings.  
13 It provided information on the GTCC low-level  
14 waste and the DOE GTCC-like waste inventories,  
15 which together, both existing and future  
16 projection, are estimated to be about 5,600 cubic  
17 meters.

18 And I want to put that in perspective  
19 for you. This year alone the Department has sent  
20 7,700 cubic meters of Defense related transuranic  
21 waste to WIPP. This total volume of 5,600 cubic  
22 meters will be generated through 2062. So I hope  
23 you understand it's a relatively small stream in  
24 the context or in comparison to the volume that  
25 the Department of Energy manages on a yearly

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1 basis.

2 Publication of the Notice of Intent  
3 also announced or identified the purpose and need  
4 for action. Again we'll talk in some length  
5 about the statutory drivers for us taking this  
6 action. It identifies the Department's proposed  
7 action. It identifies the proposed disposal  
8 alternative, both the method and the potential  
9 locations. It also responded to the public  
10 comments that we received on the Advance Notice  
11 of Intent that we published in May of 2005. And  
12 finally it identified that the EPA will be a  
13 cooperating agency in this EIS and the Nuclear  
14 Regulatory Commission will be a commenting  
15 agency.

16 The purpose and need for action is  
17 that there are generators of greater-than-class C  
18 low-level waste that produce this waste stream.  
19 And there currently is no permanent disposal  
20 facility for this waste. DOE has the statutory  
21 responsibility for developing this capability.

22 We also own and generate certain low-  
23 level waste and transuranic waste streams that  
24 have characteristics very similar to the  
25 commercial greater-than-class C low-level waste

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1 and which may also not have a disposal path  
2 today. We refer to this waste stream as DOE  
3 greater-than-class C-like waste.

4 I will discuss the waste inventories  
5 and statutory drivers in some detail here in the  
6 pages to come. But I want to point you to also  
7 our DOE greater-than-class C project website,  
8 which provides a copy -- includes a copy of the  
9 Inventory Reports, if you have any questions  
10 about the detailed inventory summarized here on  
11 these poster boards. But there's a very good  
12 resource on the web there for you as well.

13 There are three primary legislative  
14 drivers for developing this EIS and ultimately  
15 addressing the need for disposal capability for  
16 GTCC low-level waste. The first is the low-level  
17 Radioactive Waste Policy Act Amendments of 1985.  
18 That's what gave the Federal Government,  
19 specifically the Department of Energy, the  
20 responsibility for analyzing disposal  
21 alternatives for GTCC low-level waste.

22 The National Environmental Policy Act  
23 of 1969 requires Federal agencies to consider  
24 environmental impacts of major proposed actions  
25 and alternatives to assist in decision making.

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1 It also establishes this framework for public  
2 participation in these evaluations.

3 And more recently the Energy Policy  
4 Act of 2005 had several specific provisions  
5 related to the development of this EIS. It  
6 required us to submit a report to Congress  
7 estimating the cost and schedule for the EIS  
8 because you'll see that we first assumed the  
9 statutory responsibility to do this in '85. And  
10 in 2005, 20 years later, they felt they better  
11 tell us to develop a cost and schedule and hold  
12 us to it.

13 It also requires us to submit this  
14 report to Congress on the disposal alternatives  
15 that are considered through the EIS, including  
16 the types of information that were required in  
17 the 1987 -- required by the Policy Act  
18 Amendments. And we will submit that report to  
19 Congress after we complete this EIS.

20 What this means -- and again I'm  
21 reminding you -- is that DOE will be unable to  
22 take action as a result of this EIS without  
23 Congress' involvement and support. We have  
24 talked extensively within the Department about  
25 what may have led to the promulgation of these

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1 sections in the Energy Policy Act of 2005. And  
2 we do believe it was in response to heightened  
3 concerns that sealed sources once disused and  
4 potentially abandoned could be used for  
5 malevolent purposes, made into dirty bombs, and,  
6 therefore, propose a proliferation risk. As a  
7 result of that some leaders in the Senate wrote  
8 in this legislation requiring us to proceed with  
9 this EIS and address that form of the greater-  
10 than-class C waste stream.

11 So let's talk about what greater-than-  
12 class C low-level waste really is. And to do  
13 that you have to first understand what low-level  
14 waste is as defined by the NRC. Unfortunately  
15 the statutory and regulatory definition is rather  
16 complicated. And it defines low-level waste by  
17 what it is not. It's not high-level waste, which  
18 is derived from the reprocessing of spent nuclear  
19 fuel. It's not spent nuclear fuel. It's also  
20 not byproduct material. Anything else that  
21 contains sufficient concentrations of  
22 radioactivity falls into this catch-all category  
23 of low-level radioactive waste.

24 But NRC regulations then classifies it  
25 based on the concentrations of radioactivity and

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1 the presence of short and long-lived  
2 radionuclides: Class A, B, C, and greater-than-  
3 class C. We are again talking about greater-  
4 than-class C.

5 Low-level waste comes in many forms:  
6 clothing, equipment, tools, discarded items,  
7 everyday items like luminous signs, exit signs,  
8 smoke detectors, comes in soil and water  
9 treatment filters and residues that have become  
10 contaminated with radioactive material. It's  
11 generated from a variety of commercial and  
12 government activities, you know, production of  
13 electricity, medical treatments, research.

14 Again the NRC classifications define  
15 four classes of low-level waste: A, B, C, and  
16 GTCC, greater-than-class C, based on again the  
17 concentrations of short-lived and long-lived  
18 radionuclides. Greater-than-class C has the  
19 highest radionuclide concentrations. It is by  
20 definition the most radioactive low-level waste.  
21 Class A, B, and C low-level waste can today be  
22 disposed of safely in commercial near surface  
23 disposal facilities. You're probably familiar  
24 with them: Barnwell, South Carolina; Ecology in  
25 Richland, Washington; and Energy Solutions Clive

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1 facility in Utah.

2 The NRC Regulations state that low-  
3 level waste, greater-than-class C low-level  
4 waste, should be disposed of in a geologic  
5 repository. Although it does provide that  
6 alternative methods of disposal can be proposed  
7 to the NRC and approved. There may be some  
8 instances where GTCC low-level waste will be  
9 acceptable for near surface disposal with special  
10 processing or design. And that's why we propose  
11 in this EIS to analyze alternate disposal  
12 configurations besides geologic disposal.

13 Greater-than-class C low-level waste  
14 can be summarized as being comprised of three  
15 major waste types: activated metals, sealed  
16 sources, and other waste. Again they are  
17 generated by NRC and Agreement State licensed  
18 activities throughout the United States. We once  
19 had a question: What sites, what states generate  
20 greater-than-class C low-level waste? They all  
21 do. I mean truthfully they all do. It's from  
22 everywhere.

23 Let's talk about each of these waste  
24 forms in some detail. Activated metals are  
25 primarily generated in nuclear reactors during

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1 facility decommissioning. It consists of the  
2 components such as thermal shields and other  
3 reactor parts that have become radioactive from  
4 neutron absorption during reactor operations.

5 The photo here at the right shows a  
6 radiation survey being conducted on an activated  
7 metal component from the decommissioning of a  
8 small research reactor. Currently in the U.S.  
9 there are 104 reactors in commercial operation  
10 today and 18 have been decommissioned. Some of  
11 those 18 have safely stored their greater-than-  
12 class C low-level waste, and it's there awaiting  
13 this disposal solution and the results of this  
14 EIS.

15 Sealed sources, these are the  
16 typically small highly radioactive materials that  
17 are encapsulated in closed metal containers that  
18 provide the shielding from the radioactive  
19 material. They're used in very common  
20 applications. They're found widely throughout  
21 the U.S. used in benevolent activities like  
22 medical products, assisting in the diagnosis and  
23 treatment of illnesses, avoiding invasive  
24 surgery, as well as a number of other industrial  
25 purposes.

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1           Not all sealed sources are greater-  
2 than-class C. Some are -- many are Class A, B,  
3 and C low-level waste and can today be disposed  
4 of in existing low-level waste disposal  
5 facilities.

6           This photo here shows a very small  
7 radiography source that was used for both medical  
8 and industrial applications. I will again remind  
9 you that it is this portion of the waste  
10 inventory that was considered to represent a  
11 proliferation risk and may very well be the  
12 reason that we have been directed by Congress to  
13 move forward with this EIS.

14           The third category of greater-than-  
15 class C waste is a catch-all, other waste. It  
16 includes anything that meets the definition of  
17 greater-than-class C low-level waste that is not  
18 activated metal and not a sealed source. In its  
19 forms you could describe it as contaminated  
20 equipment, debris, trash, scrap metal,  
21 decontamination and decommissioning waste from  
22 industrial activities such as lab research.

23           Only a few commercial licensees  
24 generate or are projected to generate this  
25 category of greater-than-class C waste. Most of

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1 the Commercial GTCC low-level waste is activated  
2 metals and sealed sources, as you will find from  
3 our poster session.

4 And here's where things get really  
5 confusing. DOE greater-than-class C-like waste.  
6 And we know that this terminology can be  
7 confusing because it implies an overlap in the  
8 regulatory regime: so a comparison of the NRC  
9 classifications which applies to commercial waste  
10 and the DOE classifications that we use to manage  
11 our waste streams under our Atomic Energy Act  
12 Authorities.

13 It is truly a descriptive term. It  
14 does not create a new waste classification. It  
15 does not imply any new regulations or the  
16 applicability of NRC classifications on our waste  
17 streams. They simply are DOE low-level waste and  
18 transuranic waste streams that have  
19 characteristics very similar to the commercial  
20 greater-than-class C and which today may not have  
21 an identified path of disposal.

22 They are owned by DOE. They're  
23 generated by DOE activities, even if those  
24 activities occur at a commercial site. Waste  
25 forms are very similar to those waste forms that

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1 comprise commercial GTCC low-level waste. And a  
2 vast majority of our current and projected  
3 inventory is transuranic waste that does not  
4 currently qualify for disposal with the Waste  
5 Isolation Pilot Plant in Carlsbad, New Mexico  
6 because it is not yet determined -- has not been  
7 determined to be of Defense origin.

8 A very large portion of the projected  
9 inventory of DOE greater-than-class C-like waste  
10 may not be generated. Its future generation from  
11 a proposed project called the Radioisotope  
12 Production System.

13 Did I get that right, Jamie?  
14 Radioisotope Production System? Power System,  
15 I'm sorry.

16 That is the subject of a project  
17 specific NEPA document that is under evaluation.  
18 A draft, I believe, has been published for public  
19 comment. And we can have some links on our  
20 website that will point you to that information  
21 as well.

22 Again our Inventory Report that is on  
23 the GTCC website does provide a pretty good  
24 description of that potential future waste  
25 stream.

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1                   There's a summary of the waste  
2 inventories and a comparison. Again reminding  
3 you that 5,600 cubic meters total, both currently  
4 stored and projected generation, is a relatively  
5 small number. But it is notable that there is as  
6 many as 140 million curies of activity associated  
7 with that relatively small volume of waste. In  
8 volume terms a little more than half of the  
9 volume would come from the DOE greater-than-class  
10 C-like waste, but the vast majority of the curies  
11 comes from the commercial GTCC waste stream.

12                   The proposed action that is the  
13 subject of this EIS is for the Department of  
14 Energy to construct and operate a new facility,  
15 or facilities, or use an existing facility for  
16 the disposal of GTCC low-level and DOE greater-  
17 than-class C-like waste.

18                   Typically I won't actually read to you  
19 every single word on a slide cause I know you  
20 guys are all very educated and can read. But  
21 this is a very important point because these are  
22 -- these next slides define the scope as we  
23 propose it in the EIS. And it is the very topic  
24 that we really are inviting your comment on  
25 tonight.

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1           The proposed disposal alternatives  
2 range from no action for current and future  
3 greater-than-class C. Both on the commercial  
4 side and the DOE greater-than-class C-like waste  
5 would be stored at designated locations  
6 consistent with ongoing practices. Sort of a no-  
7 change scenario.

8           The second is disposal in a geologic  
9 repository at WIPP. Geologic disposal again  
10 because that's what the statutes assume will be  
11 required. WIPP because it is an existing  
12 operating geologic repository.

13           The third alternative is disposal in a  
14 geologic repository at Yucca Mountain.  
15 Disposal at a new enhanced near surface facility  
16 is the fourth disposal alternative. And we will  
17 analyze that at a range of facilities. And again  
18 Idaho, LANL, WIPP vicinities, Nevada test site,  
19 Savannah River, Hanford, some generic locations,  
20 and the Oak Ridge Reservation are among the  
21 potential locations for that disposal  
22 configuration.

23           The same sites will also be analyzed  
24 for the fifth alternative and that's disposal of  
25 a new intermediate depth borehole facility.

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1           We are very interested in what you  
2 think of these alternatives and whether there are  
3 other alternatives that DOE should evaluate in  
4 the EIS. And again as I'll mention later in my  
5 presentation, it's quite possible that a  
6 combination of disposal alternatives may be  
7 appropriate based on the different hazards that  
8 the various waste types or sub-waste types  
9 present.

10           We also recognize that some  
11 alternatives may require changes to existing  
12 legislation or regulations. However, this alone  
13 is not a reason for eliminating a facility or a  
14 site from consideration in the EIS. Our NEPA  
15 regulations require us to analyze a reasonable  
16 range of alternatives and it is through the EIS  
17 that the relative benefits or disadvantages of  
18 that alternative will be identified.

19           We will also analyze through the  
20 course of the EIS what statutory and regulatory  
21 requirements would be required to support  
22 implementation of that alternative. Again as I  
23 will point out one more time, DOE must await  
24 Congress' action before we implement any action  
25 as a result of this EIS.

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1           Let's talk about the disposal methods  
2           in a little bit more detail. Again the three are  
3           deep geologic disposal, intermediate depth  
4           borehole disposal, and enhanced near surface  
5           disposal.

6           Deep geologic repository is defined as  
7           the placement of waste in mine cavities deep  
8           beneath the earth's surface. It is the  
9           configuration used as the Waste Isolation Pilot  
10          Plant, or WIPP, in New Mexico. It is the  
11          methodology that is planned and proposed at the  
12          Yucca Mountain facility in Nevada.

13          This is a picture of contact handled  
14          transuranic waste disposal at WIPP. And as you  
15          know, Oak Ridge has an inventory of transuranic  
16          waste which we will be sending to WIPP hopefully  
17          in the coming years.

18          Enhanced near surface disposal. This  
19          is the placement of waste in engineered trenches,  
20          vaults, or other similar structures within the  
21          upper 30 meters of the earth's crust.

22          This picture here is an example of a  
23          concrete disposal vault at a DOE facility for  
24          low-level waste that required some more isolation  
25          and some more engineered protection from the

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1 environment.

2           The containment characteristics of  
3 these facilities can be enhanced through various  
4 barriers, deeper disposal, or additional waste  
5 packaging.

6           I do want to mention that the  
7 conceptual drawing or design that's on our poster  
8 board is really there for illustrative and  
9 explanatory purposes. The exact design will be  
10 developed through the development of the EIS.  
11 And there will be ample opportunity for folks to  
12 comment on it at that time. But if you have any  
13 ideas or any comments on just this conceptual  
14 idea of it, please do present them tonight.

15           Intermediate depth borehole disposal.  
16 This is the placement of waste in an augered  
17 borehole, which also may involve some engineered  
18 aspects or characteristics as well, deeper than  
19 the top 30 meters of the earth's surface. This  
20 has successfully been demonstrated at the U.S. in  
21 a facility.

22           This is a picture of drilling at a DOE  
23 facility. It's also being analyzed by a number  
24 of other countries for the disposal of what they  
25 call intermediate-level waste. That's what

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1 internationally they refer to -- that would be  
2 the comparable international waste stream to our  
3 commercial GTCC and the Department's transuranic  
4 waste streams.

5           These are the proposed disposal  
6 locations, as I mentioned, WIPP and Yucca  
7 Mountain because they are the existing and  
8 planned geologic repository. They're also  
9 analyzing the WIPP vicinity for these other two  
10 disposal configurations. Idaho, Los Alamos,  
11 Nevada, Savannah River, Hanford, and Oak Ridge.

12           And to provide us some programmatic  
13 coverage in this EIS, we're also analyzing  
14 generic commercial facilities. After we  
15 published the Advanced Notice of Intent in 2005,  
16 we also published a request for expressions of  
17 interest to commercial industry to see if any  
18 commercial companies were interested in  
19 participating in this disposal solution because  
20 again greater-than-class C that we are  
21 statutorily responsible for is a commercially  
22 generated waste stream. And we did have some  
23 responses.

24           However, none of those companies were  
25 ready to or had a mature enough design for it to

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1 be specifically analyzed, a specific site or  
2 specific design. So we are analyzing our  
3 proposed design, our proposed disposal  
4 methodologies at a generic facility in an arid  
5 environment and a generic commercial facility in  
6 a human environment.

7 DOE intends to evaluate each of our  
8 alternatives -- I'm sorry -- each of the waste  
9 types individually and in combination for each of  
10 the disposal alternatives, taking into  
11 consideration waste characteristics, volumes, and  
12 generation rates.

13 We will again describe the statutory  
14 and regulatory requirements for each alternative  
15 and whether legislation or regulatory  
16 modifications may be needed to implement the  
17 alternative under consideration.

18 This summarizes the GTCC EIS process.

19 And the Advance Notice of Intent was  
20 sort of the early warning that we were thinking  
21 about doing an EIS, published in May of 2005.  
22 The actual Notice of Intent, which formally  
23 starts the EIS process, was published in July of  
24 2007.

25 And during the two years that

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1 transpired between those two documents, what we  
2 were doing was really working to refine our  
3 inventory estimates and coming to the policy  
4 decision that we will in fact include the DOE  
5 greater-than-class C-like waste stream while  
6 analyzing disposal alternatives for the  
7 commercial greater-than-class C waste stream,  
8 which is our primary purpose for this EIS.

9 We are now at the public scoping  
10 process, the current stage of the EIS. We will  
11 take these comments, proceed with the development  
12 of the draft EIS, receive public comment on the  
13 draft EIS, publish the final EIS, revise the  
14 final report -- or provide the report to Congress  
15 that summarizes that EIS and fulfills all the  
16 other report requirements that they have  
17 requested. And then following some potential  
18 licensing activities by a third party, we'll  
19 proceed with the Record of Decision and  
20 implement.

21 Public participation is extremely  
22 important, a very critical component of the NEPA  
23 process. There are multiple opportunities for  
24 you throughout that process I just delineated for  
25 you to give us very formal input to the scope of

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1 this EIS. You can participate tonight by  
2 providing oral or written comments. Written  
3 comments may also be provided by mail, via the  
4 gtcceis website or by fax through the period of -  
5 - the public scoping period. The public scoping  
6 period began with the publication of the Notice  
7 of Intent and concludes on September 21st, 2007.

8 There is a form in the green folder  
9 for you to provide a written comment if you wish  
10 to do so.

11 And you can stay informed throughout  
12 this process by visiting the gtcceis website  
13 which is there on the bottom of the slide. I do  
14 encourage you to do so.

15 Again there is lots of other  
16 supplemental information there, including the  
17 Inventory Report and the Historical Report that  
18 was provided to Congress in 1987 as a result of  
19 the 1985 Low-Level Waste Policy Act.

20 This is our contact information for  
21 the Fed staff here. And again I remind you we  
22 are supported by some just world-class experts  
23 from Sandia National Lab and Argonne National  
24 Lab.

25 Jamie Joyce again is your Document

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1 Manager and he'll be your primary point of  
2 contact. But if you cannot reach him,  
3 particularly while we're all on the road here for  
4 the next two and a half weeks, don't hesitate to  
5 send an email or leave a message at any one of  
6 our phone numbers or email addresses.

7 And that concludes my slides.

8 MR. BROWN: Thanks very much. At this  
9 time we're going to take a few minutes to allow  
10 people to ask any questions involving either the  
11 presentation or the posters. When we reconvene,  
12 it will be time to take your public comments. So  
13 we will recess briefly for you to have any  
14 follow-up questions. Thanks.

15 (Off the record at 7:16 p.m. and back  
16 on the record at 7:28 p.m.)

17 MR. BROWN: We'll get started on the  
18 formal comment period. It's now time to receive  
19 your formal comments on the scope of the proposed  
20 EIS. This is your opportunity to let DOE know  
21 what you would like to see addressed in the draft  
22 document.

23 A Court Reporter will transcribe your  
24 statements. Our Court Reporter for tonight is  
25 Stephen Anderson.

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1           Let me review a few ground rules for  
2 the formal comments. Please step up to the  
3 microphone over there when your name is called.  
4 Introduce yourself, providing an organizational  
5 affiliation where appropriate. If you have a  
6 written version of your statement, please provide  
7 a copy to the Court Reporter after you've  
8 completed your remarks.

9           Also if you have additional statements  
10 that you would like to have entered into the  
11 record, you can hand those in at the same time.  
12 They will be labeled and submitted for inclusion  
13 in the formal record.

14           I will call two names at a time. The  
15 first of the speaker, the second of the person to  
16 follow.

17           We actually have very few people  
18 signed up to speak tonight. I think we have just  
19 three signed up. What I may ask is if people can  
20 confine their initial statement to about five  
21 minutes, just for variety's sake. I'll let you  
22 know when you're at the five-minute mark. And  
23 then we'll give the next person an opportunity to  
24 speak. If after five minutes, you haven't  
25 completed all of your remarks, then I will --

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1 just let me know and I will call on you again.

2 Also at the conclusion of the three  
3 folks who have signed up, I'll ask if there's  
4 anybody else in the audience who would like to  
5 add anything at that point.

6 Ms. Gelles will be serving as a  
7 Hearing Officer for the Department of Energy  
8 during the formal comment period. She will be  
9 furiously taking notes on your comments. But she  
10 will not be responding to any questions of her  
11 comments during the session.

12 So with that by way of introduction,  
13 let me call on our first person who signed up,  
14 and that's Ralph Hutchison. And if you'll step  
15 up to the mike over there. And add an  
16 organizational affiliation if that's appropriate.

17 Welcome.

18 MR. HUTCHISON: Thank you, Mr. Brown.

19 MR. BROWN: Sure.

20 MR. HUTCHISON: My name is Ralph  
21 Hutchison. I'm the coordinator of the Oak Ridge  
22 Environmental Peace Alliance. I'll try to be  
23 brief. I appreciate your being here -- thank  
24 you, NEPA -- to listen to the public. And I  
25 realize that you don't want to listen to the

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1 public very long.

2           With all the enthusiastic talk about  
3 the resurgence of nuclear power it's useful to  
4 remind ourselves, as tonight's hearing does, that  
5 we have not yet answered the very first question  
6 posed by nuclear energy: What shall we do with  
7 all these wastes?

8           Tonight's hearing also indicates the  
9 absurdity of the current classification scheme we  
10 employ in the United States. Because we're here  
11 to talk about a catch-all category called  
12 greater-than-class C low-level waste. And  
13 according to the Notice of Intent, a bunch of  
14 apparently orphaned radiation waste that DOE  
15 would like to dump in whatever bin they can  
16 create for this greater-than-class C low-level  
17 waste.

18           This title tells us nothing about the  
19 risks posed by the material that it collects.  
20 Greater-than-class C low-level waste is waste  
21 that is too hot in terms of concentrations of  
22 radionuclides to be called Class C low-level  
23 waste. Some of this material is highly  
24 radioactive. Some of it is unusually radioactive  
25 -- regular materials that have been made

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1 radioactive by absorbing neutrons in nuclear  
2 facilities. And some is "miscellaneous" in the  
3 documents. That's a nice phrase that relieves us  
4 of actually having to create a list that would  
5 indicate what the materials are or what risk they  
6 might pose.

7           The DOE tag-along wastes here are  
8 transuranics, most of them, that despite having  
9 decades to figure this out, DOE has "no other  
10 currently identified path of disposal." Those of  
11 us here in Oak Ridge who live in the shadow of  
12 the TSCA Incinerator understand something about  
13 throwing our arms open to the undefined and the  
14 unlimited. The reality is that DOE's back door  
15 category of GTCC-like waste make up more than 50  
16 percent of the volume of all the waste being  
17 considered here and 22 percent of the  
18 radioactivity.

19           Which leads me to my first comment.  
20 Despite the denial earlier in the presentation,  
21 DOE should not be allowed to assert the right to  
22 include it's own GTCC-like material in this EIS  
23 without a comprehensive and exhaustive listing of  
24 every scrap that DOE intends to dispose of under  
25 its scheme. The wastes DOE can dump wherever it

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1 ends up dumping its GTCC low-level wastes, if it  
2 does end up dumping it somewhere, should be  
3 narrowly defined. And once the EIS is finalized,  
4 the door to additional DOE wastes should be  
5 closed.

6 Second comment. The amount of  
7 radioactivity in some of these materials is  
8 stunning. More than 110 million curies in the  
9 activated metals alone -- this when we measure  
10 our risks from radioactivity in millionths of  
11 curies, not millions. The risks inherent in  
12 these materials argue strongly against any plan  
13 to transport the materials or to allow them to be  
14 subjected to release to the environment, which  
15 would be an automatic catastrophe.

16 Third comment. DOE does not seem to  
17 be contemplating a plan of action which would in  
18 fact preclude transportation of these highly  
19 hazardous materials on highways or by rail. This  
20 despite the obvious: transportation exposes these  
21 materials to unnecessary potential accidents or  
22 intentional attacks. Some of these materials it  
23 appears, and I think this was alluded to earlier,  
24 would be the stuff that dirty bombers would dream  
25 about.

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1                   Fourth comment. There is in DOE's  
2 Notice of Intent a failure of imagination. Not  
3 among the list of considerations is Hardened On  
4 Site Storage, a proposal put forward years ago by  
5 members of the public sector. Hardened On Site  
6 Storage provides for safe and secure storage  
7 without unnecessary transportation and its  
8 accompanying risks. The EIS should consider  
9 Hardened On Site Storage not just as a reasonable  
10 alternative, but eventually as the preferred  
11 alternative.

12                   A generic, real-world site should be  
13 analyzed -- pick one -- Watts Barr, since power  
14 plants are responsible for the lion's share of  
15 radioactivity in this category. And the  
16 potential for Hardened On Site Storage should be  
17 fully explored.

18                   In Oak Ridge, the Oak Ridge  
19 Environmental Peace Alliance has always advocated  
20 taking responsibility for our own waste. We  
21 think other people should too. We have never  
22 supported schemes to import other people's waste  
23 here. Oak Ridge's waste streams contribute less  
24 than five percent to DOE's greater-than-class C-  
25 like category. A Hardened On Site Storage

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1 facility for Oak Ridge would likely be small and  
2 not terribly expensive. It is ludicrous for DOE  
3 to contemplate shipping all the other waste, 95  
4 percent of the total volume and more than 95  
5 percent of the radioactivity, to Oak Ridge.

6 Hardened On Site Storage is storage,  
7 not disposal. It provides for the possibility of  
8 progress in our technology development, in our  
9 understanding. If in the future we develop safer  
10 methods of treating or disposing of wastes,  
11 material in Hardened On Site Storage will be  
12 available for retrieval, treatment, and disposal.  
13 For now though, Hardened On Site Storage provides  
14 a level of safety and security that we do not  
15 presently enjoy at many of the sites where this  
16 material currently resides.

17 Hardened On Site Storage also allows  
18 for real-time monitoring of materials in storage.  
19 It is more protective of the environment than any  
20 of DOE's current disposal practices for its nasty  
21 wastes, a list that includes everything from deep  
22 geologic burial to incineration.

23 For these reasons the Oak Ridge  
24 Environmental Peace Alliance would like to insist  
25 that DOE must give full consideration to Hardened

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1 On Site Storage in the GTCC low-level waste EIS.

2 I have one other comment. I'm not  
3 sure if there -- I didn't listen carefully -- I'm  
4 sorry -- Ms. Gelles to your introduction. If  
5 there's a NEPA Officer here, probably is or  
6 someone who works on that some.

7 There's a calendar of documents,  
8 hearings, decisions on the DOE NEPA website. And  
9 this process eventually will show up if it's not  
10 already on there somewhere. Every month things  
11 slip on that calendar. In fact, every month most  
12 of the items on the calendar slip, if not every  
13 single one. There's lots of reasons for the  
14 slippage. I know, I understand that. Still  
15 whatever purpose this calendar is supposed to  
16 serve in terms of informing the public, it is  
17 rendered entirely, thoroughly, completely  
18 meaningless as March becomes April and then June  
19 and then July and then September.

20 So for the folks here who are working  
21 for NEPA or for those of you who can influence  
22 them, take that calendar down. Only put up dates  
23 when they mean something unless it's your  
24 intention to mislead the public.

25 Thank you.

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1 MR. BROWN: Thanks very much.

2 Our next speaker is Barbara Walton.

3 MS. WALTON: Good evening. I'm Barbara  
4 Walton. I'm a resident of Oak Ridge. I am a  
5 retired Federal employee. I worked with NASA  
6 Goddard Space Flight Center. I'm a chemical  
7 engineer by background. I'm a member of the  
8 Citizens' Advisory Panel, a local oversight  
9 committee. And I'm sure we're going to be  
10 writing a written letter to you before the  
11 deadline. But I'm giving my comments tonight.

12 And I've spoken with Court Reporters  
13 before and I made the bad mistake at the GNEP  
14 program of using MOX, which is mixed oxide fuel,  
15 and it came out in the transcript as "mock" fuel.  
16 So I printed some of the comments I'm making  
17 tonight, others I'm not. So just so that the  
18 acronyms -- and I felt free to use any  
19 abbreviations you used in your NOI. But  
20 sometimes when you are speaking, it's very  
21 difficult for a Court Reporter to take that into  
22 account and that really came out bad in the GNEP.

23 So I will begin. First of all, the  
24 title of this EIS has got to be changed because  
25 the volume of the DOE GTCC-like material, which

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1 would be more appropriately TRU. And actually  
2 the amount of TRU detail of the slide -- and I  
3 was very glad Christine did that -- is equivalent  
4 to the total of all of the greater-than-class C  
5 waste. So to have something that's a greater  
6 volume and not have it in the title. Because it  
7 wasn't in the title, it was also not in your  
8 Notice that was in the paper for the public  
9 meeting. People see low-level waste and we're  
10 used to dealing with low-level waste at Oak Ridge  
11 and people don't get too excited by it because  
12 most of it's pretty benign. But this is not  
13 benign stuff. I'd like to see the word TRU, non-  
14 DOE TRU or something like that. But the  
15 classification system is a problem. I agree with  
16 the previous speaker on that.

17 Now so I would like the title to be  
18 more inclusive. The purpose and need for action  
19 of this EIS should be clearly stated and  
20 justification given for including the DOE GTCC-  
21 like waste. And I said should be considered TRU  
22 except for constraints in its definition. But  
23 Christine did a better job of stating that.

24 The GTCC low-level waste was included  
25 in the final Yucca Mountain EIS. And I have a

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1 document number which I will hand a copy to  
2 the... As part of the Inventory Module 2, it was  
3 in as 2,000 cubic meters. So it really isn't  
4 clear to me why so many alternatives and  
5 locations are being considered now.

6 I mean the low-level waste -- the  
7 smaller part of this waste has already been  
8 analyzed in the Yucca Mountain documents and it  
9 was not selected in their proposed solution.  
10 They did not take all of Inventory 2. It is very  
11 appropriate to consider WIPP. And it is very  
12 appropriate to consider Yucca Mountain. Those  
13 are two of your alternatives that I really like.

14 We may find some others that -- I'm  
15 going to wait and see the draft EIS before I make  
16 judgments about some of that. A more detailed  
17 description and definition of the DOE GTCC -like  
18 waste should be included. And we got part of  
19 that tonight from Christine. But I did this  
20 before I came here, of course.

21 But in the document it should be a  
22 more detailed and definitely why it's really TRU  
23 but not able to be handled by WIPP. That should  
24 all be taken care of in the document.

25 Now WIPP is limited in the amount of

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1 remote handle TRU, which this would be because of  
2 its high activity it can take. DOE should  
3 consider ways to expand that in cooperation with  
4 the state of New Mexico.

5 We have quite a few technical problems  
6 in disposing of waste and decommissioning  
7 facilities that are no longer used. But the  
8 biggest -- there's technical problems and  
9 difficulties, but we have political obstacles in  
10 a lot of these.

11 And so I think the political solutions  
12 and legislation solutions should also be in the  
13 document. And some of the alternatives should be  
14 of that nature because Yucca and WIPP are the  
15 proper ways of disposing of this kind of  
16 material.

17 Now both the WIPP and the Yucca  
18 Mountain documents use curies with powers of 10  
19 to quantify activity. This DOE EIS should also  
20 do that. It is misleading to use millions of  
21 curies as in the Notice of Intent Table I which  
22 makes the numbers look small so the people don't  
23 know what they're really talking about, you know.  
24 Don't get alarmed and don't come to meetings like  
25 this.

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1 I'm not saying that's intentional, but  
2 in this day of politics and backstabbing and back  
3 and forth in politics, you know, you need to be  
4 extra careful. So I would suggest that you do  
5 that.

6 Now I would say that Oak Ridge and  
7 other wet environments are not suitable for  
8 disposal of this high activity waste. Another  
9 point is locations with a lot karst are not  
10 suitable for intermediate depth borehole disposal  
11 of such wastes or other kinds of wastes.

12 In addition, intermediate depth needs  
13 to be defined and there's a little definition  
14 that's greater than 30 meters, but there isn't  
15 even -- there should be at least a conceptual  
16 schematic in the draft EIS.

17 We can't get much in a Notice of  
18 Intent. But there's no -- but even if you have  
19 to put the details in an Appendix, as long as  
20 it's there, and I want a paper copy of  
21 everything. Because I have trouble -- I don't  
22 have a high speed length because I have to pay  
23 for it myself. So I don't go to websites very  
24 often which is why I appreciated getting the  
25 corrected version of the table from you.

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1           So in closing, please modify. Shorten  
2 your very long list of potential locations  
3 because Oak Ridge is not suitable and I'm sure  
4 there's others that are not suitable. And do add  
5 alternatives for pursuing definition and  
6 regulatory and political solutions.

7           Thank you.

8           MR. BROWN: Thanks very much. Our  
9 next speaker is Susan Gawarecki.

10           MS. GAWARECKI: Good evening. I  
11 appreciate the opportunity to comment on the  
12 scope of the proposed Environmental Impact  
13 Statement. Wish more of the public would show  
14 up.

15           My name is Susan Gawarecki, G-a-w-a-r-  
16 e-c-k-i. And I am Executive Director of the Oak  
17 Ridge Reservation Local Oversight Committee.

18           This is an organization that is funded  
19 by a grant from the State of Tennessee that  
20 represents the concerns of local governments, the  
21 seven surrounding and downstream counties to the  
22 Reservation and the City of Oak Ridge. And we  
23 also have a Citizens Advisory Panel. Barbara  
24 just spoke as a member of that.

25           My organization does intend to

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1 comment, to provide specific comments that are  
2 discussed and voted on. And what I'm going to  
3 say is my own opinion at this point.

4 My personal preference for the  
5 disposal of greater-than-class C low-level waste  
6 would be for geologic disposal because of its  
7 highly radioactive characteristics.

8 I don't think it's realistic to give  
9 any consideration to near surface or intermediate  
10 depth borehole disposal options particularly in  
11 wet climates. And that would be a way that DOE  
12 could simplify its analyses by eliminating those.

13 I've toured WIPP and I think that's a  
14 wonderful facility for this type of waste. And  
15 it would be entirely reasonable for DOE to pursue  
16 disposal there or at Yucca Mountain.

17 I think that DOE should also ensure  
18 that mixed GTCC low-level waste is included at  
19 whatever facility is chosen or whatever site is  
20 chosen. And the EIS should evaluate the  
21 acquisition of a required permit to this end.  
22 This is because DOE and commercial generators  
23 should have pathways for all radioactive waste,  
24 current and future generated.

25 It's unreasonable for this country not

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1 to have a comprehensive disposal capability of  
2 the waste that's generated so that it goes to a  
3 safe and secure repository, preferably a deep  
4 geological one.

5 And the waste that goes to this  
6 repository should not be limited to existing and  
7 projected waste streams. It should also allow  
8 future unanticipated radioactive waste streams of  
9 the GTCC low-level waste variety.

10 I will note that our radioactive  
11 materials transportation system is the safest in  
12 the transportation industry. I think this has  
13 been demonstrated by the WIPP shipping campaign  
14 and their ability to handle even the remote  
15 handled TRU waste which is largely equivalent to  
16 much of this GTCC waste. It's a good example of  
17 the U.S.' ability to ship these very dangerous  
18 wastes.

19 I think you may want to add to the EIS  
20 the possibility of recycling some of the sources.  
21 There should be a continuing demand in the  
22 medical industry and other industries that use  
23 these sources. And it would seem to be a waste  
24 of the resource to dispose of them and allow new  
25 ones to be created when the radionuclides could

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1 possibly be retrieved from the existing ones.

2 And that's all I have to say at this  
3 time. Again thank you for the opportunity to  
4 speak.

5 MR. BROWN: Thank you. That concludes  
6 the list of folks who signed up ahead of time to  
7 speak.

8 So let me ask if there's anybody else  
9 in the audience who would like to provide a  
10 comment at this time? If so, raise your hand or  
11 come forward.

12 Okay, we have a volunteer. And if  
13 you'll provide the Court Reporter with you name?

14 MS. SMITH: My name is Ellen Smith,  
15 spelled the way it sounds. I wear multiple hats.  
16 But I'll just speak from one tonight. I'm a  
17 member of the City of Oak Ridge City Council.

18 The City Council voted at Monday  
19 night's meeting earlier this week to submit  
20 comments on the scope of this EIS. They will be  
21 submitted as written comments. But I'd like to  
22 provide a few points from those comments tonight  
23 for your preliminary information on the nature of  
24 that communication.

25 And I'm reading from the approved

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1 document. The DOE's Oak Ridge Facility, notably  
2 Oak Ridge National Laboratory, have an inventory  
3 of GTCC-like wastes, including some transuranic-  
4 like wastes not currently eligible for disposal  
5 at the Waste Isolation Pilot Plant. Oak Ridge  
6 would benefit if DOE identifies a disposal plant  
7 for these GTCC-like wastes that would remove them  
8 from Oak Ridge.

9 The Oak Ridge Reservation, however,  
10 would be a poor choice of these wastes due to  
11 environmental and socio-economic factors such as  
12 high rainfall conditions, short hydrologic  
13 pathways from disposal sites to the affectable  
14 environment and high human population density  
15 relative to other DOE sites under consideration.

16 The Oak Ridge Reservation located in  
17 the City of Oak Ridge already hosts the Toxic  
18 Substances Control Act incinerator facility,  
19 which is used for incineration of radioactive  
20 mixed wastes from DOE sites in other states.

21 Thus, Oak Ridge is already making a  
22 unique and valuable contribution to the equitable  
23 resolution of DOE's national legacy waste  
24 management challenges.

25 Further, the Oak Ridge Reservation,

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1 located in the City of Oak Ridge, already already  
2 hosts additional waste disposal facilities for  
3 legacy materials generated from National Defense  
4 Missions of the Department of Energy. Such  
5 disposal should remain limited to remediation  
6 activities on the Oak Ridge Reservation and where  
7 other options are not viable for these wastes.

8 The City of Oak Ridge endorses and  
9 encourages DOE in its efforts to find a permanent  
10 home for greater-than-class C low-level  
11 radioactive wastes. The City of Oak Ridge  
12 recommends and requests that the Oak Ridge  
13 Reservation be removed from consideration as a  
14 disposal site for such materials.

15 Thank you.

16 MR. BROWN: Thank you.

17 Is there anyone else who'd like to add  
18 a comment?

19 Also our -- would any of the previous  
20 speakers like to add anything or amplify their  
21 comments?

22 Okay, we are scheduled to remain  
23 available for public comments until 9:00. And  
24 what we customarily do is we will take a recess.  
25 People are free to examine the posters, further

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1 talk with DOE staff.

2 And if in the course of those  
3 discussions you find that you would like to add  
4 additional comments, please see me. We will  
5 reconvene and take your comments. But DOE staff,  
6 Court Reporter, and myself will remain available  
7 until 9:00. So we will recess.

8 Thank you.

9 (Recessed at 7:53 p.m. and back on the  
10 record at 8:59 p.m.)

11 MR. BROWN: Are there any more  
12 questions?

13 Not hearing any response, the record  
14 is closed at 9:00 p.m.

15 (Whereupon this meeting was concluded  
16 at 9:00 p.m.)

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