

HLW & FD

EIS PROJECT - (AR) PF
Control # DC-42

UNITED STATES DEPARTMENT OF ENERGY
PUBLIC COMMENT HEARING ON
IDAHO HIGH-LEVEL WASTE
AND FACILITIES DISPOSITION
DRAFT ENVIRONMENTAL IMPACT STATEMENT

THURSDAY, MARCH 2, 2000
TRIBAL BUSINESS CENTER
FORT HALL, IDAHO

Reported by:
Kimberly Carpenter, CSR #600

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1 which you represent it.
2 If the court reporter is having trouble
3 hearing you or keeping up with you, she may ask
4 for your help in ensuring that the record of your
5 comments is as complete as possible.

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

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

14 Our first speaker tonight will be
15 Mr. Dennis Donnelly.

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

18 THE FACILITATOR: Yes.

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

42-1
IX.C(2) 23 I first want to say that there has been
24 too little time to prepare a formal commentary.
25 This is not a formal commentary that I would

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

42-2
VIII.C(1)

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

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

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

42-4
III.B(3)

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

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

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

42-5
IV.A(1)

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

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

42-6
X(10)

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

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

42-7
IX.D(1)

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

24 Thank you very much.
25 THE FACILITATOR: Thank you.

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

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

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

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

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

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4201-1
IX.D(1)

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

4201-2
VII.D(5)

5 I know we have all of the assurances
6 that the technology has proven that we will have
7 the waste out of Southeast Idaho by 2035. I,
8 myself, am very skeptical. I do not believe that
9 the Department of Energy, you know, right or
10 wrong, will live up to their word. [I do not
11 believe that the State of Idaho, in meeting their
12 agreement with the Department of Energy, will
13 have the clout to make them live up to that
14 legacy or the promises that they've made.]

4201-3
IX.D(1)

15 And I find it really ironic that Dennis
16 would quote this gentleman from the old Atomic
17 Energy Commission who made these promises. Well,
18 [I think DOE has a legacy of promises that are
19 unfulfilled.

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

4201.4
VII.E(1)

1 our place here in Southeast Idaho.

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

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

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

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

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

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

4201-5
VII.E(3)

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

1 the timetable specified. And the Tribe will go
 2 on record as demanding that it all be removed by
 3 2035, or we'll also demand other reparations.

4 Thank you.

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

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

12 Thank you.

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

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

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

4202-1
IX.C(7)

25 I had forgotten how hostile DOE hearings

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1 can be and how arrogant DOE officials can be.]
2 the Department of Energy had been nearly as smart
3 or nearly as thorough as its employees sometimes
4 try to project, we wouldn't be in this mess.]

4202-2
IX.D(1)

5 [The study that we're looking at tonight
6 really is deeply flawed. And I know that a lot
7 of us are feeling a lot of frustration.
8 Mr. Edmo's right. This is one of the biggest
9 problems facing the Site, and I don't think
10 anybody has a sense that we've got our arms
11 around it in any -- in any way.]

4202-3
VIII.A(6)

12 [We've got what is certainly the
13 glitziest Environmental Impact Statement Draft I
14 have ever seen. That must have cost a good deal
15 more than it needed to.]

4202-4
IX.A(4)

16 But [the Draft looks at a set of
17 technologies that are, admittedly, immature so
18 that our choices will be, admittedly, flawed,
19 perhaps have to be revisited later], but [we will
20 have made some sort of fake deadline, which isn't
21 the job. You know, the job is to protect the
22 state of Idaho and its environment.]

4202-5
III.D.1(4)

23 And we -- and [the way the study is set
24 up is -- and I know you folks have heard this a
25 million times -- but it's like a Chinese menu.

4202-6
VII.D(1)

4202-7
II.A(3)

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

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

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

4202-8
III.D.3(1)

15 [Overall, the Alliance questions
16 seriously the efficacy of all the separations
17 options. Certainly, from a technical point of
18 view, it looks -- those look even fancier than
19 the non-separations options.]

4202-9
III.D.3(1)

20 And [I think we have to remember that we
21 can divide this waste into any number of
22 fractions we want. And there are charts in here
23 that show us, you know, green is for transuranic
24 and yellow is for high-level. Divide it no
25 matter how you want, it will still be

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

4202-10
v(a)

6 The Alliance also would like to -- you
7 know, [though we agree with the State that the
8 Department of Energy inappropriately has tried to
9 reclassify the liquid waste in the tanks as
10 non-high-level waste -- we think that's
11 inappropriate.] But [we do think that it's
12 perfectly appropriate that we look at the dried
13 high-level waste and the liquid high-level waste
14 separately, because they do present different
15 environmental perils to the people here and to
16 our water.]

4202-11
11.A(i)

17 And having mentioned water, I guess
18 [another source of controversy that I hear about
19 whenever I hear about this Environmental Impact
20 Statement is whether this liquid and dried
21 high-level waste is on 100-year flood plain or a
22 500-year flood plain.

4202-12
viii.C(5)

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

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

6 Thank you.

7 THE FACILITATOR: Thank you.

8 Our next commentor will be Shirley
9 Kaiyou.

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

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

16 And do you need my phone number, too?

17 THE FACILITATOR: No.

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

4203-1
ix.C(3)

20 [I respect the fact that the Department
21 of Energy is making an effort to educate the
22 public of DOE issues.] And [this hearing has just
23 sprung up all of a sudden. We never hear about
24 these hearings until the last second. Maybe a
25 week in advance if we're lucky.]

4203-2
ix.C(6)

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

4203-3
X(13)

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

4203-4
IX.D(1)

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

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

(A recess was taken.)

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

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

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

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

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

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

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

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