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

REPORTED BY: DOREEN M. SHARICK, Court Reporter
Edith E. Forbes Court Reporting Service
21 Woodcrest Drive
Batavia, New York 14020
(585) 343-8612

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SPEAKERS:

JOHN CHAMBERLAIN,
Communications Department,
West Valley Demonstration Project.

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

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

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MR. CHAMBERLAIN: Good

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

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

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

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

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

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

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

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

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

22 Let me start with the Notice of
23 Intent. It was originally issued in March of
24 2001, and the scope of that EIS was to include
25 decontamination of some of the WVDP facilities

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

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

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

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

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

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

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

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

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

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designation for that particular alternative.

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

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

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

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

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

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

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

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

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

The last bullet here is the Waste

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

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

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

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

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

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

MR. CHAMBERLAIN: Just before we

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

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

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

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

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

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

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

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2 Waste Management EIS did not include grouting
3 of the High-Level Waste Tanks. Second, the
4 analysis of grouting the High-Level Waste
5 Tanks in the Waste Management EIS is
6 inconsistent with policy announced by the U.S.
7 Nuclear Regulatory Commission stating that the
8 impacts of making a Waste Incidental to
9 Reprocessing Determination, which is a
10 prerequisite for grouting tanks, should be
11 analyzed in the Decommissioning EIS. Lastly,
12 the Resource Conservation and Recovery Act
13 Regulations preclude treatment by grout
14 stabilization until NRC has rendered its final
15 decision on whether the Decommissioning EIS
16 preferred alternative meets the criteria in
17 the Commission's Policy Statement.

18 I will now provide a more detailed
19 explanation of these three concerns. The
20 proposed scope for the Waste Management EIS,
21 as published in the Federal Register on March
22 26, 2001, did not include grouting of the
23 tanks. The scope indicated that the Waste
24 Management EIS would include such activities
25 as removal of loose contamination; removal of

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

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

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

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

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

NRC more clearly defines its

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

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

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

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

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

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

Thank you for this opportunity to share our concerns.

MR. CHAMBERLAIN: Thank you,

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

(Whereupon the proceedings were
concluded.)

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C E R T I F I C A T E

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

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



Doreen M. Sharick, Notary Public

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'70s [1] 21:10	7:00 [2] 1:10 3:12	12:5 12:11 16:19	Box [2] 2:16 18:23	26:7
-1-	-8-	17:6 18:16	brought [1] 19:3	commented [1] 16:11
1 [1] 1:1	8 [1] 8:1	amend [1] 19:14	bucks [2] 22:16	commentor [1] 18:19
10 [1] 10:1	800 [1] 13:23	amended [1] 19:8	22:17	commentors [3]
11 [4] 1:10 3:13	-9-	America [1] 16:17	Buffalo [1] 22:18	4:18 15:23 24:7
11:1 26:11	9 [1] 9:1	American [1] 21:19	bullet [1] 10:13	comments [22] 3:16
12 [1] 12:1	9030 [2] 1:8 26:10	among [1] 12:10	bureaucratic [1]	3:17 3:21 3:22
13 [1] 13:1	96-368 [1] 19:4	amount [3] 6:21	25:12	3:24 4:16 5:4
14 [1] 14:1	9:00 [1] 3:12	17:17 24:17	-C-	5:18 6:7 13:11
14020 [1] 1:24	-A-	analysis [11] 7:20	C [3] 16:20 26:3	13:18 13:25 14:8
15 [1] 15:1	abilities [1] 25:15	8:11 9:4 9:20	26:3	14:14 14:18 14:24
16 [2] 4:13 16:1	ability [1] 10:15	9:24 10:15 10:18	cancer [1] 21:15	15:12 15:18 15:24
17 [1] 17:1	accept [1] 17:22	11:19 11:20 12:13	cannot [2] 19:24	16:3 17:5 17:14
18 [1] 18:1	account [1] 18:2	13:4	22:6	commercial [2] 10:2
19 [1] 19:1	accountability [1]	analyze [1] 12:5	capacity [1] 8:13	11:8
1987 [2] 16:15 16:23	20:25	analyzed [3] 8:5	carefully [2] 14:21	communicate [1]
1996 [2] 16:12 17:14	accurate [1] 26:13	9:16 11:22	16:2	14:7
-2-	Act [5] 5:8 8:4	analyzes [1] 9:7	carrying [1] 25:16	Communications [1]
2 [1] 2:1	19:6 19:6 19:14	analyzing [1] 12:17	case [4] 9:17 11:3	2:5
20 [1] 20:1	action [4] 7:3	announced [1] 4:8	11:8 11:22	companion [1] 25:9
2001 [2] 4:6 5:23	7:7 11:17 16:14	apologies [1] 25:9	cases [1] 11:5	competency [1] 25:14
2003 [6] 1:10 3:13	actions [6] 6:3	apologize [1] 14:22	category [1] 10:4	completion [1] 16:21
4:13 4:15 17:6	6:5 6:8 10:16	appear [1] 12:5	cell [1] 8:15	Complex [3] 1:7
26:11	12:7 15:11	Arcade [2] 2:17	certainly [1] 24:22	3:7 26:10
21 [2] 1:23 21:1	activities [3] 4:11	18:23	certify [1] 26:5	Compliance [1] 5:9
219 [3] 1:8 3:7	4:12 8:6	area [1] 8:15	Chamberlain [13]	Compromise [2]
26:10	activity [1] 8:15	areas [1] 6:14	2:4 3:2 3:3	16:15 17:3
22 [1] 22:1	addition [1] 3:19	article [1] 23:18	14:10 14:12 15:14	concept [1] 11:15
23 [1] 23:1	additional [4] 10:17	Ashford [5] 1:7	18:18 24:6 24:13	concise [1] 15:18
24 [1] 24:1	10:18 11:15 11:16	1:9 3:7 26:9	24:19 25:2 25:5	conclude [1] 24:21
25 [2] 17:17 25:1	address [1] 13:23	asks [1] 12:4	25:19	concluded [1] 25:22
26 [2] 4:6 26:1	again [5] 8:20	assist [1] 15:24	change [4] 22:20	conclusion [3] 12:8
-3-	9:6 10:8 11:14	attend [1] 5:3	23:4 23:5 25:15	12:22 13:3
3 [1] 3:1	12:4	Attorney [1] 22:12	changing [1] 18:9	conditioning [1]
30 [1] 4:15	against [1] 22:8	available [6] 3:20	channels [3] 22:22	21:13
30th [2] 13:8 13:17	agency [1] 22:14	3:23 4:13 4:23	22:23 25:12	conducting [1] 19:25
343-8612 [1] 1:25	ago [1] 21:10	10:7 16:4	charge [1] 19:11	Congress [4] 19:13
-4-	agree [3] 19:9 20:7	avoid [1] 17:13	chemical [1] 8:14	19:17 23:2 24:2
4 [1] 4:1	20:8	away [2] 19:17 21:9	clarify [1] 24:12	consider [3] 4:16
45-day [3] 3:8	agreed [1] 17:4	-B-	clarifying [1] 14:15	13:11 13:17
4:14 16:25	air [1] 21:13	B [7] 7:12 10:24	Class [3] 8:9	consideration [2]
-5-	alive [1] 23:7	12:3 16:19 16:20	8:19 9:22	3:25 15:20
5 [1] 5:1	allow [1] 17:23	17:9 18:14	classes [1] 16:20	considered [2] 11:9
51 [2] 2:16 18:23	allowed [1] 4:22	basis [1] 9:14	clear [1] 16:22	18:16
585 [1] 1:25	almost [1] 21:4	Batavia [1] 1:24	closely [1] 18:11	Constitution [2]
-6-	along [4] 6:2	began [1] 4:5	closes [1] 13:8	19:18 19:22
6 [1] 6:1	6:22 8:11 8:25	begin [2] 15:15	closure [2] 18:15	continuation [1]
-7-	alternative [26] 7:3	16:10	18:17	7:4
7 [1] 7:1	7:7 7:8 7:12	behalf [1] 3:3	Club [1] 18:22	continue [2] 8:10
	7:13 8:2 8:2	belong [1] 16:8	Coalition [3] 16:9	8:16
	8:10 8:24 9:5	Benefit [1] 22:13	16:18 16:23	continuing [3] 8:5
	9:5 9:16 9:17	best [1] 13:15	coast [1] 22:4	8:25 8:25
	9:18 9:19 10:10	Bethlehem [1] 22:9	cognizant [1] 17:20	contract [1] 16:23
	10:21 10:24 12:3	better [1] 19:14	Columbia [1] 21:16	copies [1] 16:3
	12:4 12:7 17:9	between [1] 16:16	coming [1] 21:8	copy [1] 18:24
	17:15 17:25 18:8	Bill [1] 21:11	comment [17] 1:4	Corporation [1]
	18:14	bit [1] 7:24	3:6 4:14 4:24	22:13
	alternatives [9] 7:2		5:19 13:7 13:15	correct [1] 26:13
			14:9 15:15 16:20	cost [2] 22:16 22:16
			16:25 17:4 24:9	country [1] 8:23
				Court [3] 1:21
				1:22 22:8
				cousin [1] 21:11

cubic [1] 6:20	dollars [1] 22:10	15:19 19:6 19:8	future [1] 7:6	indeed [1] 13:2
<hr/>	done [6] 8:21 12:13	19:15 26:9	<hr/>	individuals [3] 3:15
-D-	14:8 19:16 20:4		-G-	3:20 4:20
Dan [5] 5:7 5:10	door [1] 4:21	especially [1] 23:11	General [1] 22:12	information [3] 3:21
5:12 14:10 20:10	Doreen [3] 1:21	evaluate [1] 8:13	geographic [1] 17:22	14:4 14:17
DANIEL [1] 2:8	26:5 26:19	evaluated [1] 6:8	given [1] 19:18	initial [1] 25:14
date [2] 4:17 13:12	dose [1] 12:20	evaluates [2] 6:25	goes [2] 7:14 21:18	intent [5] 4:6
dealing [1] 7:5	doses [1] 12:19	evening [2] 3:2	gone [1] 19:12	4:8 5:16 5:21
decision [7] 9:8	down [2] 21:18	24:9	good [2] 3:2 21:24	17:19
9:9 9:10 9:12	22:18	evening's [1] 3:11	goofed [1] 23:23	interest [1] 5:5
9:13 25:12 25:13	Dr [1] 20:6	eventual [1] 17:19	government [1] 22:14	interim [7] 11:13
decisions [1] 9:15	draft [7] 1:5 3:9	everybody [1] 5:12	groundwater [1] 18:9	11:23 12:2 17:8
decommissioning [2] 6:9 15:9	3:16 5:17 14:24	exactly [1] 12:22	grout [3] 7:18 11:2	17:11 17:18 17:25
decontamination [5] 4:12 5:25 6:8	15:19 26:7	except [2] 8:18	12:2	international [1] 23:22
15:5 15:7	Drive [1] 1:23	Executive [1] 22:23	grouting [1] 18:12	internet [1] 3:18
defined [1] 19:21	duct [1] 21:13	exists [1] 10:10	guy [1] 22:17	intersolar [1] 23:22
DEIS [7] 4:4	due [3] 14:23 17:21	expressly [1] 19:18	<hr/>	introduce [1] 5:7
4:7 4:12 16:11	<hr/>	extent [2] 4:17	-H-	involved [1] 21:23
16:12 17:7 17:14	-E-	13:11	hammering [1] 21:9	involvement [1] 5:5
Demonstration [8] 1:5 2:6 2:10	E [3] 1:22 26:3	<hr/>	Hanford [6] 11:11	Isolation [1] 10:5
3:9 5:10 19:5	26:3	-F-	11:22 21:10 21:11	issued [1] 5:23
25:17 26:8	E-mail [1] 13:23	F [1] 26:3	21:21 21:25	issues [1] 15:19
Department [6] 2:5	easier [1] 25:6	facilities [4] 6:2	hate [1] 21:3	itself [1] 10:14
3:4 5:7 5:13	Edith [1] 1:22	6:15 8:12 9:24	hazard [1] 22:3	<hr/>
16:16 22:24	effect [1] 25:11	facility [4] 21:12	health [2] 7:21	-J-
departs [1] 4:7	effects [1] 18:11	21:15 21:15 21:24	12:10	James [2] 2:15
described [1] 8:6	eight [2] 22:16 22:16	fact [1] 19:3	hear [1] 25:7	25:10
deserve [1] 20:21	EIS [14] 3:16 5:17	factor [1] 18:2	heard [1] 14:16	Jeremy [4] 2:19
development [1] 4:4	5:23 5:24 6:9	facts [1] 14:4	held [2] 3:14 26:9	24:24 25:2 25:20
died [2] 21:14 23:20	6:24 13:19 14:23	fair [1] 6:21	helpful [1] 6:14	Jim [4] 18:19 18:21
difference [1] 12:10	14:24 15:6 15:9	fairly [1] 6:19	hereby [1] 26:5	24:6 24:16
directions [1] 3:22	15:10 16:22 18:17	fancy [1] 5:24	high [9] 6:23 7:10	job [2] 21:5 25:14
directly [1] 7:14	EIS's [1] 16:13	fax [2] 3:18 13:22	7:16 9:2 10:6	John [7] 2:4 3:3
discernible [1] 12:9	either [1] 11:22	fee [1] 22:9	12:20 18:8 18:12	5:11 5:13 5:20
discuss [1] 5:17	electronically [1] 3:18	feedback [1] 14:2	24:12	13:9 24:11
discussion [1] 5:15	Ellicottville [2] 2:13 16:8	feeling [1] 25:15	high-level [2] 11:21	June [6] 1:10 3:13
disposal [17] 6:3	20:22 20:23	feet [1] 6:20	20:10	4:15 13:8 13:17
7:9 7:14 7:16	employees [3] 19:25	fellows [1] 23:2	Hiram [1] 18:22	26:11
9:21 9:24 10:2	20:22 20:23	field [1] 6:18	hired [1] 21:6	<hr/>
10:3 10:6 10:19	empty [6] 6:24	fifty [1] 22:10	holes [2] 23:17 23:17	-K-
10:25 11:6 11:8	20:11 20:16 20:17	filed [1] 3:17	human [2] 7:21	Kathy [4] 2:12
11:11 11:13 11:24	24:15 24:18	filing [2] 3:22	12:10	16:5 16:6 18:19
18:6	encourage [2] 4:25	22:9	hundred [1] 22:10	Kathy's [1] 20:8
disposed [2] 23:14	16:2	filled [1] 11:25	<hr/>	keep [3] 15:17 15:21
23:25	end [4] 4:15 13:8	final [2] 4:2 13:19	-I-	23:23
distinction [1] 7:16	24:7 25:17	finally [2] 5:2	Idaho [1] 11:11	kind [3] 10:16 19:25
document [14] 2:9	Energy [3] 3:4	23:13	illegal [1] 22:6	21:19
5:16 6:10 9:6	5:13 16:16	first [5] 7:15 11:10	Impact [8] 1:6	kinds [1] 22:19
9:9 10:14 12:13	Energy's [1] 5:8	14:21 16:5 18:11	3:10 4:3 15:20	<hr/>
12:23 13:2 15:4	engineering [2] 23:8	five [2] 6:15 15:22	19:7 19:8 19:15	-L-
15:4 15:7 15:13	23:11	focus [1] 7:20	26:9	ladies [1] 23:20
16:12	entail [1] 17:20	focused [1] 15:18	impacts [8] 7:21	lag [1] 17:20
documents [1] 8:7	entire [1] 16:22	following [1] 17:5	7:22 9:11 12:9	Lake [1] 18:22
DOE [9] 2:9 4:5	entities [2] 17:22	food [1] 21:20	12:10 12:11 12:14	large [1] 11:5
4:16 5:22 6:6	17:24	football [1] 6:18	12:21	last [3] 18:12 20:11
7:15 10:2 11:7	environment [1] 20:2	Forbes [1] 1:22	include [3] 4:11	22:10
11:10	environmental [11] 1:6 3:10 4:3	forth [3] 19:3 20:2	5:25 18:9	law [2] 19:4 22:20
DOE's [1] 9:18	5:8 8:4 11:18	full [1] 8:13	includes [1] 9:19	leaks [1] 21:17
doesn't [2] 7:13			including [1] 3:22	leave [1] 18:3
21:19			increase [1] 17:9	legal [1] 23:10

legitimate [1] 16:13	17:20 19:9	4:8 5:15 5:21	10:21 12:6 15:4	problem [1] 17:13
letter [1] 22:11	McGoldrick [5]	now [10] 4:25 6:6	15:12	procedure [1] 19:3
leukemia [1] 21:14	2:12 14:19 16:5	7:25 8:16 14:8	particularity [1]	proceedings [3] 18:25
Level [8] 6:23	16:6 16:7	14:9 18:17 19:24	19:4	25:21 26:6
7:10 7:17 9:3	mean [1] 24:16	21:5 21:22	past [1] 17:12	process [5] 8:14
10:6 18:8 18:13	means [1] 8:7	Nuclear [2] 16:9	patterns [1] 18:10	8:16 10:22 13:14
24:12	meant [1] 15:11	16:18	pay [2] 20:23 20:24	16:22
levels [1] 9:2	mechanisms [1]	number [2] 3:19	Pension [1] 22:13	processing [1] 8:13
license [1] 10:17	14:6	13:24	people [4] 14:13	project [9] 1:5
licenses [1] 11:15	meeting [5] 3:5	numbered [1] 26:12	19:11 20:21 25:16	2:6 2:10 3:9
limit [1] 18:15	5:4 20:11 22:10		period [8] 3:8	5:10 6:2 10:5
limited [3] 4:9	24:21	-O-	4:15 13:7 14:9	19:5 26:8
6:11 17:17	mention [2] 8:20	o'clock [1] 3:12	15:15 16:25 17:4	proper [2] 22:22
line [2] 13:4 23:6	10:12	O-L-M-S-T-E-D [1]	21:7	22:22
listed [1] 12:24	mentioned [6] 5:13	25:9	permanent [1] 18:5	provide [7] 3:15
listened [1] 20:8	5:20 10:8 10:14	Oakridge [1] 11:12	permanently [1]	5:18 13:20 13:24
listening [1] 14:20	12:15 13:9	obvious [1] 18:7	23:25	14:5 14:7 14:13
live [1] 18:22	messed [1] 23:22	obviously [1] 14:3	permission [1] 20:3	provides [1] 19:6
load [1] 8:18	metal [1] 21:12	offer [1] 25:10	permit [1] 19:15	providing [2] 5:4
local [1] 22:17	microcracks [1]	Office [5] 1:7	permits [2] 10:17	9:13
location [1] 7:14	23:18	2:16 3:7 18:23	11:16	public [12] 1:4
locations [2] 10:19	might [1] 14:6	26:10	perspective [1] 6:18	3:8 4:14 5:18
10:20	mind [1] 25:6	Officer [1] 5:9	Ph.D [1] 18:22	6:7 13:6 14:23
look [5] 8:11 8:24	minute [1] 12:25	official [1] 13:7	Piciulo [1] 20:6	15:15 19:4 21:19
12:12 12:25 15:10	minutes [1] 15:22	officially [2] 4:5	pick [1] 21:25	26:7 26:19
looking [2] 6:5	mistakes [1] 23:9	4:15	Pickering [7] 2:15	publicly [1] 4:13
10:10	misunderstand [1]	offsite [12] 4:10	18:19 18:20 18:21	publishing [1] 4:5
looks [1] 21:4	14:25	6:3 6:12 7:9	18:22 21:11 25:10	punch [1] 13:4
low [1] 12:19	misunderstood [1]	9:20 9:25 10:11	picture's [1] 6:14	put [2] 6:17 15:8
Low-Level [10] 6:16	14:22	10:24 16:21 17:8	piece [2] 15:7 15:8	putting [1] 23:15
6:20 8:8 8:9	mixed [2] 9:25	23:12 23:13	Pilot [1] 10:5	
9:25 9:25 11:6	11:7	Olmsted [6] 2:19	place [2] 9:4	-Q-
11:7 12:18 16:21	modifications [1]	24:24 24:25 25:4	11:18	quantities [2] 6:19
low-strength [2]	10:17	25:8 25:8	podium [1] 25:3	8:9
7:18 12:2	modified [1] 6:6	one [8] 10:21 11:9	podium [1] 25:3	questions [1] 14:15
	moisture [1] 9:2	13:21 14:19 19:8	point [3] 13:13 23:11	quick [1] 14:15
-M-	moment [1] 9:19	23:16 24:12 26:12	24:18	
M [3] 1:21 26:5	month [2] 13:8	ongoing [4] 7:10	Policy [2] 5:8	-R-
26:19	17:4	8:16 9:21 10:25	8:4	R [1] 26:3
mail [2] 3:17 13:22	MS [2] 14:19 16:6	onsite [4] 4:9	political [1] 17:21	radioactive [2] 8:22
make-up [1] 12:6	14:19 16:6	6:11 8:17 17:16	pollute [1] 21:17	18:6
makers [1] 9:10	must [2] 18:4 18:9	opportunities [2]	Post [2] 2:16 18:23	ready [1] 23:13
makes [1] 12:21		13:6 13:21	potentially [1] 12:19	real [1] 17:18
man [1] 21:12	-N-	opportunity [2] 3:15	power [2] 19:17	really [6] 10:20
manage [3] 6:23	name [3] 16:6	14:13	19:19	12:9 12:15 12:17
6:25 9:2	18:21 24:24	options [1] 11:9	practical [1] 4:17	13:25 14:20
managed [1] 10:8	National [2] 5:8	oral [4] 3:16 3:21	Preferred [3] 9:17	reasonable [2] 12:5
management [16]	8:4	3:24 14:14	9:18 12:3	12:7
1:6 3:10 4:10	near [2] 7:21 15:22	order [3] 4:19 4:22	prepare [1] 5:22	reasons [2] 18:4
6:2 6:4 6:11	need [3] 15:21 17:19	15:16	present [2] 4:24	18:7
7:10 8:5 9:21	21:19	originally [1] 4:8	5:15	receive [2] 3:25
11:2 15:6 15:11	NEPA [10] 8:3	overview [1] 5:17	presentation [2]	13:18
17:7 17:9 18:7	8:6 9:6 10:14		14:3 20:8	received [2] 4:16
26:8	10:18 12:4 12:23	-P-	presentations [1]	4:20
Manager [1] 2:9	16:14 16:24 18:15	p.m [2] 1:10 3:13	19:2	recognizes [1] 10:15
March [2] 4:6	New [7] 1:9 1:24	packaged [1] 17:16	presented [2] 17:6	record [2] 3:11
5:23	2:13 2:17 2:20	pages [1] 26:12	23:3	26:14
Marshall [1] 22:15	18:23 26:10	paper [1] 23:18	preserve [1] 21:5	regarding [3] 14:17
masters [1] 20:23	next [2] 9:16 18:19	part [1] 3:8	President [1] 22:24	14:18 17:5
material [2] 21:20	No-Action [2] 7:25	partially [1] 11:25	pressures [1] 18:10	registered [1] 4:19
23:12	9:5	participation [2]	previous [2] 8:6	relative [1] 15:19
may [7] 3:20 4:13	Notary [1] 26:19	5:19 13:7	19:2	rely [1] 16:20
10:16 11:15 16:13	notes [1] 26:14	particular [5] 8:10	privately [1] 19:9	removal [1] 6:3

removed [3] 6:7 15:6 24:15	sessions [3] 3:6 3:14 4:18	23:10	taxes [1] 20:24	21:18 21:25 22:23
reported [2] 1:21 26:6	Settlement [1] 16:15	started [1] 14:21	technological [1] 25:13	23:22 23:23 24:8
Reporter [1] 1:21	several [1] 14:2	statement [9] 1:6 3:11 4:3 11:19	telephone [2] 3:21 13:24	25:3
Reporting [1] 1:22	Sharick [3] 1:21 26:5 26:19	15:20 19:7 19:8	terms [3] 8:20 12:8 17:2	upstream [1] 21:16
reports [1] 12:14	sheet [1] 21:12	States [6] 16:16 16:17 19:19 19:23	terrorism [1] 17:25	used [2] 9:14 21:12
repository [2] 10:7 11:24	sheets [1] 14:5	stenotype [2] 26:6 26:14	thank [10] 5:2 5:4 5:11 18:17	using [3] 7:17 8:12 11:2
requests [1] 4:20	shielded [1] 12:20	step [1] 10:21	18:18 24:5 24:6	-V-
require [1] 10:16	ship [3] 22:2 23:12 23:20	steps [1] 11:16	24:20 25:19 25:20	valid [1] 16:11
required [2] 8:3	shipment [8] 7:9 9:20 10:24 12:18	still [1] 24:17	Thanks [1] 14:10	Valley [13] 1:5 2:6 2:10 3:9
respond [1] 13:18	16:20 17:8 17:10	Stipulation [3] 16:15 17:2 17:3	themselves [1] 19:25	5:9 8:23 16:9
responded [1] 4:2	17:19	storage [18] 6:21 7:11 7:15 7:17	therefore [1] 20:25	16:18 18:4 18:5
result [1] 6:7	shipped [9] 8:18 10:2 10:4 10:6	8:12 8:15 8:17	threat [1] 17:24	19:5 21:7 26:8
resulting [1] 7:22	11:6 11:7 11:22	9:22 10:19 10:25	three [4] 7:2 7:19 16:25 19:7	vaults [1] 18:14
reticence [1] 17:21	21:21 23:13	11:4 11:11 11:13	through [9] 3:18 3:20 9:3 10:9	view [2] 23:10 23:11
retrievable [2] 7:18 11:25	shipping [6] 8:8 8:21 8:22 10:11	11:23 17:11 17:18	10:22 11:17 17:23	viewgraph [2] 7:7 10:13
review [4] 3:8 3:25 4:14 4:14	11:10 23:16	17:25 18:13	22:22 26:13	viewgraphs [1] 14:8
reviewed [1] 20:6	shorthand [1] 26:6	store [1] 17:16	throughout [1] 8:22	violate [1] 18:15
revised [2] 5:16 15:3	showed [1] 13:4	study [2] 5:24 14:17	thunk [1] 23:15	violates [2] 16:14 19:4
right [8] 3:23 11:6 19:10 20:25 21:5	shuttles [1] 23:19	studying [1] 18:11	times [1] 17:12	violation [2] 16:22 17:2
23:23 24:2 24:16	signed [6] 4:21 4:22 4:24 15:17	stuff [3] 21:14 21:22 23:21	today [3] 3:6 22:11 23:7	volume [1] 11:5
risks [3] 12:24 13:5 17:10	16:23 24:8	submit [3] 3:15 3:20 16:2	today's [1] 4:18	-W-
river [6] 11:12 11:23 21:16 21:17 21:18	similar [1] 7:12	3:20 16:2	toll-free [1] 3:19	W [1] 2:8
21:23	simple [1] 20:18	substance [1] 20:5	tonight [3] 5:14 6:10 13:21	wait [1] 24:21
rocket [1] 23:16	site [4] 7:15 7:21 18:5 25:17	such [2] 18:11 26:12	tool [1] 9:9	war [1] 19:22
Route [3] 1:8 3:7 26:10	sites [3] 10:3 11:8 11:10	sufficient [1] 15:23	tools [1] 9:14	waste [64] 1:6 3:10 4:9 4:10
-S-	sitting [1] 22:3	suggest [1] 16:10	Town [1] 16:7	6:2 6:4 6:4
salmon [1] 21:18	situation [1] 19:12	suggested [2] 17:12 17:15	transcript [2] 18:24 26:12	6:12 6:13 6:16
Savannah [3] 11:12 11:23 21:23	six [1] 17:3	suitable [1] 18:5	transcriptionist [1] 15:25	6:19 6:20 6:21
scheduled [2] 3:6	sizable [1] 6:19	Sullivan [8] 2:8 5:7 5:11 5:12	transportation [4] 4:10 6:12 7:22 17:10	6:23 7:9 7:11
3:12	size [1] 6:17	14:11 15:2 24:11	transported [1] 17:23	7:11 7:13 7:17
scope [7] 4:6 5:16 5:24 6:6	slurring [3] 20:14 20:14 20:14	sum [1] 20:4	treason [2] 19:20 19:21	7:23 8:5 8:8
6:9 15:3 15:12	small [6] 8:8 12:12 12:15 12:22	supply [1] 21:20	TRU [2] 10:3 11:9	8:9 8:14 8:15
second [2] 10:23 16:19	13:5 24:16	supposed [1] 24:3	true [2] 10:20 17:18	8:16 8:17 8:19
see [3] 12:13 23:21 24:22	Snake [1] 21:16	surprising [1] 12:17	truth [1] 20:21	8:21 8:22 9:3
seizing [1] 19:19	somewhere [2] 15:22 22:2	surrounding [1] 18:14	try [1] 13:16	9:20 9:21 9:23
sense [3] 7:4 10:23 12:21	sort [1] 21:14	system [2] 10:9 23:22	trying [1] 21:4	9:23 10:2 10:3
separate [1] 16:13	space [1] 23:19	systems [1] 9:3	twenty-five [1] 26:13	10:4 10:5 10:6
serious [1] 17:24	speak [2] 4:22 15:25	-T-	twice [1] 17:11	10:11 10:25 11:9
servants [1] 19:24	speaker [1] 15:17	T [2] 26:3 26:3	two [5] 3:6 15:22 16:13 19:7 23:19	11:21 12:18 15:5
serve [1] 22:12	Speakers [2] 2:3 15:16	table [2] 3:23 12:14	-U-	15:10 16:9 16:18
service [2] 1:22 22:17	split [3] 14:23 16:14 19:15	takes [1] 11:17	under [3] 15:20 17:2 18:8	16:21 17:7 17:16
services [1] 20:24	splitting [1] 16:12	taking [1] 5:3	understand [1] 9:10	17:22 18:3 18:6
session [6] 1:4 3:12 5:20 12:16	Springville [2] 2:20 24:25	tanks [14] 6:23 6:24 7:11 7:17	United [6] 16:16 16:17 19:19 19:22	18:8 18:13 21:6
13:10 26:7	stabilization [1] 12:2	9:3 9:22 10:8	22:12 22:15	21:20 21:25 23:24
	stabilized [1] 7:17	11:2 11:24 18:8	up [12] 4:21 4:24 14:5 15:17 19:15	24:12 24:17 26:8
	standpoint [2] 11:18	18:10 18:13 20:10		wastes [1] 11:3
		24:17		ways [2] 5:17 14:2
		tantamount [1] 19:20		Wednesday [1] 26:11
				welcome [2] 3:4 5:12
				west [14] 1:5 2:6 2:10 3:9
				5:9 8:23 16:8
				16:18 18:3 18:4
				19:5 21:6 22:4
				26:7
				WIPP [3] 10:4 11:12 11:14

wish [2] 4:23 24:23
 without [2] 16:21
 18:10
 wondering [1] 21:8
 Woodcrest [1] 1:23
 word [1] 5:24
 worked [1] 21:11
 writing [3] 3:17
 9:8 16:3
 written [3] 3:16
 3:24 18:17

-Y-

years [2] 17:17
 21:10
 yellow [1] 6:14
 yet [1] 18:16
 York [7] 1:9 1:24
 2:13 2:17 2:20
 18:23 26:10
 yourself [1] 22:21