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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 7:00 P.M.

REPORTED BY: DOREEN M. SHARICK, Court Reporter
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SPEAKERS:

JOHN CHAMBERLAIN,
Communications Department,
West Valley Demonstration Project.

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

KATHY MCGOLDRICK,
Ellicottville, New York.

JAMES PICKERING,
Post Office Box 51,
Arcade, New York.

JEREMY OLMSTED,
Springville, New York.

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MR. CHAMBERLAIN: Good evening.
I'm John Chamberlain on behalf of the
Department of Energy. I welcome each of you
to this meeting. As you know, there have been
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 West Valley Demonstration Project
Waste Management Environmental Impact
Statement. For the record, this evening's
session is scheduled at 7:00 o'clock to 9:00
p.m. on June 11, 2003.

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

2 will be responded to in the Final
3 Environmental Impact Statement.

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

18 Commentors for today's sessions have
19 been registered in the order that their
20 requests have been received. All individuals
21 that have signed up at the door will be
22 allowed to speak in the order they have signed
23 in as long as time is available. If you wish
24 to present a comment and have not signed up, I
25 encourage you to do so now.

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

6 At this time I would like to
7 introduce Dan Sullivan, the Department of
8 Energy's National Environmental Policy Act
9 Compliance Officer at the West Valley
10 Demonstration Project. Dan.

11 MR. SULLIVAN: Thank you, John.
12 Welcome everybody. I'm Dan Sullivan with the
13 Department of Energy as John just mentioned
14 and what I'm going to do tonight is I'll
15 present a little discussion on the Notice of
16 Intent, the revised scope of this document, an
17 overview of the Draft EIS and discuss ways for
18 you to provide comments for public
19 participation and then there will be a comment
20 session that John mentioned.

21 Okay. The Notice of Intent,
22 basically said that DOE was going to prepare
23 an EIS, was issued in March of 2001, and the
24 scope of this EIS, fancy word for study, was
25 to include decontamination of some of the

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project facilities along with waste management actions. So the removal and offsite disposal of waste. Those are the waste management actions we are looking at.

Now, DOE modified the scope as a result of public comments and removed decontamination actions to be evaluated in the decommissioning EIS. So the scope of the document that we're talking about tonight, it's limited to the onsite management and offsite transportation of the waste, and the waste that we're talking about -- this picture's helpful. These areas in yellow. There's basically five facilities that have Low-Level Waste in them and they're approximately the size of -- to put it in perspective, of a football field. So they're fairly sizable and the quantities of waste are about 700,000 cubic feet of Low-Level Waste. So a fair amount of waste is in storage. This is what we're talking about, along with the High Level Waste tanks, how to manage those and those tanks are empty, but this EIS evaluates a way to manage them.

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So what are the three alternatives?

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The No Action Alternative, which is a

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continuation in a sense of what we're

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currently dealing with and I'm going to talk

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to you a little more about these in a future

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viewgraph. There's a No Action Alternative,

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which is Alternative A, which evaluates

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offsite shipment of waste for disposal and

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then ongoing management of the High Level

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Waste into the waste storage tanks.

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Alternative B is similar to

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Alternative A, but the waste doesn't go to

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directly to the disposal location. It goes

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for storage at another DOE site first, then to

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disposal. That's the distinction and the High

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Level Waste storage tanks are stabilized using

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retrievable low-strength grout. Those are the

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three alternatives.

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The focus of the analysis is on

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human health impacts on and near the site and

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impacts resulting from the transportation of

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the waste.

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I'm going to talk a little bit more

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about the alternatives now. The No-Action

2 Alternative, and this is an alternative that's
3 required by NEPA. It's required by the
4 National Environmental Policy Act to be
5 analyzed, continuing with waste management
6 activities described in previous NEPA
7 documents. What that means is, they are
8 currently shipping some Low-Level Waste, small
9 quantities of Class A Low-Level Waste. So
10 this particular alternative, we continue to do
11 that and the analysis would look at that along
12 with using these storage facilities to their
13 full capacity, to evaluate processing the
14 waste that's currently in the chemical process
15 cell waste storage area. That's an activity
16 ongoing now to process that waste. Continue
17 onsite storage of all the waste, as I said,
18 except for the load that's being shipped.
19 That's the Class A waste.

20 And again, I'll mention in terms of
21 shipping waste, this is done every day,
22 shipping the radioactive waste throughout the
23 country. It's not only West Valley. We have
24 been doing that. This alternative will look
25 at continuing doing that along with continuing

2 to manage the moisture levels in the High
3 Level Waste tanks through the systems that we
4 already have in place. So that's analysis for
5 this alternative, the No-Action Alternative.

6 Again, the NEPA document just
7 analyzes the alternatives. We don't make a
8 decision in its writing. There is not a
9 decision in this document. It's a tool the
10 decision makers will use so they understand
11 what the impacts are and they'll use this in
12 their decision making. It's not me that's
13 going to make the decision. I'm providing the
14 basis and the tools used to make those
15 decisions.

16 The next alternative analyzed is
17 Alternative A, in this case it's a Preferred
18 Alternative. That's DOE's Preferred
19 Alternative at the moment. This includes
20 analysis for offsite shipment of waste for
21 disposal and ongoing management of the waste
22 storage tanks. This is not just the Class A
23 waste. This is all the waste for all these
24 facilities, the analysis for disposal of
25 offsite the Low-Level and mixed Low-Level

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Waste shipped DOE and/or commercial disposal sites for disposal. The TRU waste, another category of waste, would be shipped to WIPP, the Waste Isolation Pilot Project, for disposal and High Level Waste would be shipped to a repository when it's available. The tanks would be managed, again, as I mentioned earlier, through the system that currently exists. So this alternative is looking at shipping all this waste offsite.

 This is the time to mention this. It isn't as a bullet on the viewgraph, but it's mentioned in the NEPA document itself. The analysis recognizes that the ability to take these kind of actions may require additional permits or license modifications or maybe additional NEPA analysis at some of these disposal locations and/or storage locations. And that's really true for this particular alternative. This is just one step in the process. Let me go through this and it will make sense in a second.

 Alternative B is offsite shipment of waste for disposal or storage and ongoing

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2 management of the tanks using the grout. So
3 in this case, it's the same wastes that we're
4 talking about that's in storage, the same
5 large volume. In some cases it's going to be
6 shipped right for disposal. Low-Level and
7 Mixed Low-Level will be shipped to DOE
8 commercial sites for disposal. In the case of
9 TRU waste, one of the options considered is
10 shipping it to other DOE sites first for
11 storage, then for disposal: Hanford, Idaho,
12 Oakridge, Savannah River or even WIPP for
13 interim storage until disposal could be made
14 at WIPP. And again, this is where this
15 concept of there may be additional licenses or
16 additional permits or maybe other steps to go
17 through before this action actually takes
18 place. From the standpoint of environmental
19 analysis, we just made that statement. We
20 didn't do the analysis here.

21 High-level waste would be, in this
22 case, analyzed and shipped to either Hanford
23 or Savannah River for interim storage prior to
24 disposal and repository. The tanks would be
25 partially filled with a retrievable

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low-strength grout for interim stabilization.
That's Alternative B. It's not our Preferred
Alternative, but again, NEPA asks that you
analyze alternatives that appear reasonable,
so that was the make-up of this particular
alternative, reasonable actions.

So in terms of a conclusion,
impacts. There really is no discernible
difference in human health impacts among the
alternatives. The impacts are very, very
small and when you take a look at the
document, you see the analysis that was done
and the table that reports those impacts,
they're really small and as I mentioned at the
other session, if you think about it, that's
really not surprising because you're analyzing
the shipment of Low-Level Waste. That's
potentially low doses. And if there's
anything that has a high dose, it's shielded.
So it makes sense that those impacts would be
small. And that's exactly the conclusion that
we came to in the NEPA document. All these
risks that I've listed here, they are very,
very minute. When you take a look at the

2 document and indeed, you probably have, you'll
3 come to the same conclusion. That's basically
4 the punch line. All the analysis showed was
5 that the risks were very small.

6 Okay. The opportunities for public
7 participation, the official comment period
8 closes at the end of the month, June 30th. I
9 don't know if John mentioned this at this
10 session, but I know he said it earlier, to the
11 extent we can, we'll consider all the comments
12 that we get even if they come after that date,
13 but there comes a point where we're going to
14 get on with the process.

15 If you've got a comment, the best
16 thing to try to do is to get it to us before
17 June 30th. We're going to consider all the
18 comments we receive and we'll respond to them
19 in the final EIS.

20 Okay. So how do you provide them?
21 Tonight is one of the opportunities. You can
22 mail them to me. You can fax them. There's
23 an E-mail address and we even got an 800
24 telephone number which you can call to provide
25 your comments that way. So if you really want

2 feedback, there's several ways to do that and
3 my presentation, obviously, has this
4 information in it. I think there is facts
5 sheets up here that provide the same
6 mechanisms by which you might want to
7 communicate. So that's the way to provide
8 comments. Now, I'm done with viewgraphs.
9 Now, is the time to go to the comment period.

10 MR. CHAMBERLAIN: Thanks, Dan.

11 MR. SULLIVAN: Okay.

12 MR. CHAMBERLAIN: Just before we
13 provide an opportunity for people to make
14 their oral comments, does anyone have any
15 quick clarifying questions? Anything you
16 heard that you would like a little more
17 information on regarding this study or
18 comments or anything regarding it?

19 MS. MCGOLDRICK: Just one
20 question. I wasn't really listening very
21 carefully when you first started and so I
22 apologize if I misunderstood you. But did you
23 say that you split this EIS due to public
24 comments on the draft EIS or did I
25 misunderstand you?

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MR. SULLIVAN: No, no, no. I didn't. We revised the scope of this particular document. Initially, the document, it was the Decontamination and Waste Management EIS and we removed the decontamination piece from this document. And said it was more appropriate to put that piece in the decommissioning EIS, so that's what we did. This EIS is only going to look at waste management actions. That's what I meant. The comments came on the scope of this particular document.

MR. CHAMBERLAIN: At this time we'll begin the public comment period. Speakers will be called in the order they signed up. I would ask each speaker to keep their comments concise and focused on the issues relative to the Draft Environmental Impact Statement that's under consideration. I don't think I have to say we need to keep it somewhere near five minutes. We have two commentators so I think we have sufficient time for your comments. To assist the transcriptionist, please make sure you speak

2 carefully and we encourage you to submit
3 copies of your comments in writing if they are
4 available. At this time I'd like to call
5 Kathy McGoldrick first.

6 MS. MCGOLDRICK: My name is Kathy
7 McGoldrick and I'm from the Town of
8 Ellicottville. I also belong to the West
9 Valley Coalition on Nuclear Waste. I want to
10 begin by saying that I would suggest that this
11 DEIS being commented on is not a valid
12 document. The splitting of the 1996 DEIS into
13 two separate EIS's may not be a legitimate
14 NEPA action. This split also violates the
15 1987 Stipulation of Compromise Settlement
16 between the United States Department of Energy
17 and the United States of America and the
18 Coalition on West Valley Nuclear Waste.

19 Both Alternatives A and B, second
20 comment, rely on shipment of classes B and C
21 Low-Level Waste offsite without completion of
22 the entire EIS process, a clear violation of
23 the 1987 contract signed with the Coalition
24 and of NEPA.

25 Three, the 45-day comment period is

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a violation under the terms of the Stipulation of Compromise. In that Stipulation, a six month comment period was agreed upon.

The following are comments regarding the alternatives being presented in the 2003 Waste Management DEIS:

Shipment offsite for interim management in Alternative B would increase transportation risks because each shipment would have to be made twice. Interim storage, as we have suggested many times in the past, would avoid this problem.

In comments on the 1996 DEIS, it was suggested that there be an alternative which would store packaged waste onsite for a limited amount of time, say 25 years. This would be true interim storage with the real intent of eventual shipment. We need to be cognizant also of the time lag that may entail due to the reticence of other political and geographic entities to accept this waste, or even to allow it to be transported through these entities due to the serious threat of terrorism. Our interim storage alternative

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should take this factor into account.

 However, when waste can leave West Valley, it must. For many reasons, West Valley is not a suitable site for permanent disposal of radioactive waste.

 For obvious reasons, management of the High Level Waste tanks under Alternative A must not include changing the groundwater patterns or pressures around the tanks without first closely studying the effects of such.

 And last, the grouting of the High Level Waste storage tanks and their surrounding vaults in Alternative B would violate NEPA because it could limit closure alternatives yet to be considered in the Closure EIS now being written. Thank you.

 MR. CHAMBERLAIN: Thank you, Kathy. The next commentor is Jim Pickering. Mr. Pickering.

 MR. PICKERING: My name is Jim Pickering, Ph.D. I live in Lake Hiram Club, Arcade, New York, Post Office Box 51 and I would like a copy of the transcript of these proceedings.

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In previous presentations I have brought forth the fact that this procedure in particularity violates Public Law 96-368, which is the West Valley Demonstration Project Act. That Act provides for a Environmental Impact Statement. Not two, not three, not amended. One Environmental Impact Statement and while I may agree that privately that this would be the right way to go, what should have happened is those people who are in charge of this situation should have gone back to Congress and said, we think that this will work out better if you amend that Act and permit us to split up the Environmental Impact Statement. That has not been done and when you take away from Congress a power that is expressly given to them by the Constitution of the United States, you are seizing power that is not yours. That is tantamount to treason. Treason is defined in that -- in that Constitution as making war on the United States.

Now, we cannot have our servants and employees conducting themselves in that kind

2 of an environment. You have to come forth and
3 ask permission to do what you're going to do,
4 and you haven't done it. And that's the sum
5 and substance of what's going on. I have
6 reviewed everything that Dr. Piciulo has said.
7 I agree with everything that he has said. I
8 listened to Kathy's presentation and I agree
9 with everything that she has said.

10 Dan, you said that high-level tanks
11 are empty. The last meeting I was at, they
12 said -- you said -- you said you didn't get it
13 all out. You couldn't get it all out. You
14 were slurring and slurring and slurring and
15 you couldn't get it all out. But to come
16 forth here and say they're empty, they're not
17 empty if you haven't got it all out. It's
18 that simple.

19 When you come to -- to us and say
20 this is the way it is, please come and tell us
21 the truth. We deserve that. You people are
22 -- are our employees. You are not our
23 masters. You are our employees. We pay for
24 your services when we pay our taxes and
25 therefore, we have a right to accountability.

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We're not getting it. You're doing what you

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want to do and I hate to say this, but it

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almost looks as though you're trying to

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preserve my job. Now, that isn't right. You

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were hired to get the waste out of West

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Valley, period.

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And you're wondering why am I coming

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in here and hammering away at this. I went to

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Hanford years ago, back in the '70s. My

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cousin, Bill Pickering, worked for the Hanford

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Facility as a sheet metal man and used to make

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the duct work for the air conditioning and

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that sort of stuff. He died of leukemia and

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cancer from that facility. That facility is

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upstream from the Snake River and the Columbia

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River and if it leaks, it will pollute all the

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salmon that goes up and down that river. The

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American public doesn't need that kind of a

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food supply. The waste material that we got

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here should not be shipped to Hanford.

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Now, I don't know about the stuff

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going -- involved with Savannah River. I

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don't know how good that facility is, but I do

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know that Hanford should not pick up our waste

2 and then ship it somewhere else because all
3 the time it's sitting there, it's a hazard to
4 everything on the -- on the west coast.

5 I don't know what else to tell you
6 except that this thing is illegal. You cannot
7 do it.

8 When I went to Court against
9 Bethlehem, the filing fee I told you at the
10 last meeting was a hundred and fifty dollars.

11 Today I got a letter that said you'll have to
12 serve the Attorney General of the United
13 States because the Pension Benefit Corporation
14 is a -- is a government agency. Well, the
15 United States Marshall is doing that and it
16 cost eight bucks. It would also cost eight
17 bucks for another service on the local guy
18 down in Buffalo.

19 These kinds of things, when you make
20 -- when you go to change the law, you just
21 don't do it by yourself. You've got to go
22 through the proper channels and the proper
23 channels is to go up to the Executive
24 Department, say to the President, this is the
25 way we think it should be and then he should

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go to the Congress and say, fellows, this is what they presented me. This is the way it should be. Change it. That's all -- all I've been saying to you. Change it and get it in line the way it should be.

It's not that -- you're alive today because you haven't made any engineering mistakes, but you're about to make them from the legal standpoint of view and also, from the engineering point of view, especially if you ship offsite material that should not be shipped offsite until it's ready to be finally disposed of.

I had thunk about putting it into a rocket and shipping it out in one of these holes, black holes. But the other day there was an article in the paper about microcracks in both of the space shuttles in which the two ladies died. I don't want to ship anymore stuff out -- out that way. I don't want to see the international intersolar system messed up because we goofed up right here. Keep the waste here until you get it the way it can be disposed of permanently and then do it and do

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2 it right. Go to the Congress and say, this
3 is the way we're supposed to do it. This is
4 the way we feel it should be done and then
5 come back and do it. Thank you.

6

MR. CHAMBERLAIN: Thank you, Jim.

7

That's the end of the commentators who have
8 signed up. Is there anyone else who would
9 like to make a comment this evening? If not,
10 then --

11

MR. SULLIVAN: John, should I

12

clarify one thing about High Level Waste?

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MR. CHAMBERLAIN: Sure.

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MR. SULLIVAN: I said that

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basically they are empty. We removed all we
16 can so I mean Jim is right. There's a small
17 amount of waste still in the tanks, but they
18 are basically empty. That was my point.

19

MR. CHAMBERLAIN: Anyone else?

20

Okay. Thank you very much. This will
21 conclude the meeting. We will wait here
22 certainly to see if anyone else comes that my
23 wish to comment. Sir?

24

MR. OLMSTED: My name is Jeremy

25

Olmsted. I'm from Springville.

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MR. CHAMBERLAIN: Jeremy, if
you'd come up to the podium.

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MR. OLMSTED: Sure.

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MR. CHAMBERLAIN: If you don't
mind, it will just make it a little easier for
her to hear.

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MR. OLMSTED: Olmsted,
O-L-M-S-T-E-D, with apologies to my companion,
James Pickering, I would offer the comment as
to whether just what effect do -- does the
decision making -- the bureaucratic channels
of decision making have on the technological
competency of doing their job? And my initial
feeling is that it won't change the abilities
of the people who are carrying out the work
here at the Demonstration Site. End of
comment.

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MR. CHAMBERLAIN: Okay. Thank
you, Jeremy. Anyone else? Okay, thank you.

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(Whereupon the proceedings were then
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-five, is an accurate and correct record of my stenotype notes.



Doreen M. Sharick, Notary Public

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