

THE U.S. DEPARTMENT OF ENERGY
FORMERLY UTILIZED SITES
REMEDIAL ACTION PROGRAM
(FUSRAP)

PUBLIC MEETING

Wednesday, December 1, 1993, 7:30 p.m.
Kenmore East High School
350 Fries Road, Tonawanda, New York 14150

Testimony to be Submitted by

██████████ ██████████, COMMISSIONER
ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING
and
CHAIR, COALITION AGAINST NUCLEAR MATERIALS IN TONAWANDA (CANIT)
95 Franklin Street, Buffalo, New York 14202
716-858-6716



1. INTRODUCTION

WHEN DOE'S PLAN TO MOVE COLONIE WASTE TO TONAWANDA BECAME KNOWN, IN EARLY 1988, ONE AFTER ANOTHER, ELECTED OFFICIALS FOUND THEMSELVES IN STRONG OPPOSITION. THE LANDMARK PUBLIC HEARING, WHICH I AM SURE DOE WILL LONG REMEMBER, WAS HELD IN THIS TOWN. THE COALITION AGAINST NUCLEAR MATERIALS IN TONAWANDA (CANIT) WAS THEN FORMED AS A BIPARTISAN, ALL GOVERNMENT LEVEL, GROUP OF ELECTED OFFICIALS. AS THE COMMISSIONER OF ENVIRONMENT AND PLANNING, I WAS ASKED TO SERVE AS CHAIR.

WE ALL FELT THAT OUR BEST, IF NOT ONLY, HOPE OF SUCCESS IN DEALING WITH DOE WAS BY EDUCATING OURSELVES AND BY DEVELOPING AND MAINTAINING A UNITED POSITION.

CANIT'S GOALS WERE TO PREVENT DOE FROM SHIPPING NUCLEAR MATERIAL FROM COLONIE, NEW YORK (NEAR ALBANY) TO TONAWANDA, TO HAVE DOE REMOVE EXISTING NUCLEAR MATERIAL FROM FOUR (4) SITES IN TONAWANDA, IF FEASIBLE, AND OVERSEE ALL ASPECTS OF DOE'S WORK SO AS TO PROTECT LOCAL RESIDENTS.

MY STATEMENT TONIGHT REPRESENTS THE POSITION OF CANIT. MANY OF THE ELECTED OFFICIALS WHO ARE CANIT MEMBERS WILL ALSO BE SPEAKING FOR THEMSELVES.

CANIT INCLUDES THE FOLLOWING MEMBERS:

HON. [REDACTED] [REDACTED]
ERIE COUNTY EXECUTIVE

HON. [REDACTED] [REDACTED]
SUPERVISOR, TOWN OF TONAWANDA
AND HIS PREDECESSOR
FORMER SUPERVISOR RONALD MOLINE

HON. [REDACTED] [REDACTED]
MAYOR, CITY OF TONAWANDA
AND HER PREDECESSOR
THE LATE MAYOR DAVID MILLER

HON. [REDACTED] [REDACTED] [REDACTED]
32ND DISTRICT

HON. [REDACTED]
STATE SENATOR - 60TH DISTRICT
AND HER PREDECESSOR
FORMER SENATOR JOHN B. SHEFFER II

HON. [REDACTED] [REDACTED]
ASSEMBLY MEMBER - 140TH DISTRICT

HON. [REDACTED] [REDACTED]
COUNTY LEGISLATOR - 11TH DISTRICT

HON. [REDACTED] [REDACTED]
COUNTY LEGISLATOR - 10TH DISTRICT

HON. [REDACTED] [REDACTED]
STATE SENATOR - 61ST DISTRICT

HON. [REDACTED]
ASSEMBLY MEMBER - 144TH DISTRICT
AND HIS PREDECESSOR
THE LATE ASSEMBLY MEMBER WILLIAM B. HOYT

HON. [REDACTED] [REDACTED]
ASSEMBLY MEMBER - 142ND DISTRICT

HON. [REDACTED] [REDACTED] [REDACTED]
SUPERVISOR, TOWN OF GRAND ISLAND
AND HIS PREDECESSOR
FORMER SUPERVISOR MARTIN PRAST

HON. [REDACTED]
MAYOR, CITY OF NORTH TONAWANDA
AND HIS PREDECESSOR
ASSEMBLY MEMBER ELIZABETH HOFFMAN

2. HISTORY

COLONIE WASTE

THE FIRST ISSUE FACED BY CANIT WAS THE IMMEDIATE THREAT OF NUCLEAR MATERIAL BEING BROUGHT TO TONAWANDA FROM COLONIE, NEW YORK. DOE WAS IN THE PROCESS OF REMEDIATING A SITUATION IN COLONIE OF A MORE IMMEDIATE HEALTH RISK THAN WE FACE HERE. WHILE WE WANTED TO SEE THE COLONIE SITUATION REMEDIED, WE DID NOT WANT THE SOLUTION TO COME AT OUR EXPENSE. AT THE INSISTENCE OF CONGRESSMAN [REDACTED], CONGRESS PROHIBITED THE DOE FROM STUDYING OR MOVING ANY NUCLEAR WASTE FROM WITHIN THE STATE OF NEW YORK TO THE TOWN OF TONAWANDA. THE FIRST VICTORY FOR CANIT WAS NOT PERMITTING THE COLONIE WASTE TO BE BROUGHT TO WESTERN NEW YORK.

SEAWAY SITE INCLUDED IN RI/FS

THE ORIGINAL REMEDIAL INVESTIGATION/FEASIBILITY STUDY (RI/FS) FOR THE TONAWANDA PROJECT EXCLUDED THE SEAWAY LANDFILL FROM THE FULL ENVIRONMENTAL REVIEW PROCESS. THE SEAWAY MATERIAL WAS, IN ALL RESPECTS, SIMILAR TO THE OTHER FUSRAP WASTES IN TONAWANDA, CANIT REQUESTED THAT DOE TREAT ALL FOUR SITES TOGETHER AND NOT ALLOW FOR A SEPARATE, EXPEDITED, PROCESS AT THE SEAWAY SITE. ON DECEMBER 11, 1989, THE DOE ISSUED A NOTICE IN THE FEDERAL REGISTER INDICATING THAT DOE WAS CONSIDERING ADDING

THE SEAWAY SITE TO THE COMPREHENSIVE ENVIRONMENTAL REVIEW AND ANALYSIS PROCESS WHICH WAS THEN UNDERWAY FOR THE ASHLAND 1, ASHLAND 2 AND LINDE SITES. THEREAFTER, DOE CONCLUDED THAT THE SEAWAY SITE BE INCLUDED IN THE RI/FS PROCESS THAT IS NOW UNDERWAY AND IS THE SUBJECT OF THIS HEARING. IT WAS IMPERATIVE THAT SEAWAY BE ADDED TO THE OTHER THREE (3) SITES IF WE WERE TO OBTAIN A SINGLE, COMPREHENSIVE SOLUTION.

BFI RELOCATION PLAN

IN 1991, A PROPOSAL BY BFI TO RELOCATE THE RADIOACTIVE MATERIAL FROM THE SEAWAY LANDFILL TO A NEWLY CONSTRUCTED TEMPORARY STORAGE CELL WAS UNDER CONSIDERATION. THE REASON BFI WANTED TO REMOVE THE RADIOACTIVE MATERIAL FROM THE SEAWAY LANDFILL INTO A SEPARATE CELL WAS TO MAKE ADDITIONAL SPACE AVAILABLE IN ITS LANDFILL FOR THE DISPOSAL OF SOLID WASTE. KNOWING THAT THE ENVIRONMENTAL REMEDIAL INVESTIGATION/FEASIBILITY STUDY PROCESS FOR REMEDIATING THE FOUR SITES HAD NOT BEEN COMPLETED AT THAT TIME, CANIT OPPOSED THE MOVEMENT OF ANY RADIOACTIVE MATERIAL. CANIT SOUGHT TO ENSURE THAT AN OBJECTIVE ENVIRONMENTAL ANALYSIS BE PERFORMED BEFORE ANY WASTE WAS REMOVED AND RELOCATED. UNFORTUNATELY, U.S. DOE DID NOT HAVE REGULATORY JURISDICTION TO PREVENT THIS ACTION. AFTER DISCUSSION WITH CANIT, THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION CONCLUDED THAT IT HAD JURISDICTION OVER THIS ISSUE. DEC INFORMED BFI THAT A REVIEW PROCESS WOULD BE NECESSARY BEFORE

RELOCATION COULD PROCEED. BFI THEN WITHDREW ITS PROPOSAL. IT IS BECAUSE OF THE DILIGENCE OF CANIT THAT RADIOACTIVE MATERIAL WAS NOT REMOVED FROM THE SEAWAY LANDFILL AND REMAINS AS ONE OF THE FOUR (4) SITES NOW TO BE REMEDIATED BY THE DOE.

CANIT HAS HAD A STRING OF IMPORTANT SUCCESSES IN PROTECTING THE ENVIRONMENT, AND IN INSURING THAT THE DOE PROCESS IS FAIR AND COMPLETE. THE COLONIE WASTE CANNOT COME HERE BY LAW THANKS TO CONGRESSMAN LaFALCE. THE SEAWAY SITE IS INCLUDED IN THIS REVIEW PROCESS AND WE PREVENTED THE SEAWAY MATERIALS FROM BEING REMOVED PREMATURELY. WE HAVE DEVELOPED AN EXPERTISE AND EXPERIENCE IN DEALING WITH THESE COMPLEX ISSUES. AS WE PROCEED INTO THIS NEXT PHASE OF REVIEW, IT IS IMPORTANT TO REMEMBER THAT, IN EACH OF THESE LAST THREE BATTLES, WE STARTED BY HAVING TO PROD, IF NOT FORCE ACTION BY DOE. ONLY THROUGH OUR WORK HAVE WE BEEN ABLE TO OBTAIN THESE RESULTS.

3. CANIT GOALS

FROM ITS FORMATION, CANIT HAS HAD A GOAL TO HAVE THE RADIOACTIVE MATERIALS REMOVED FROM THE TOWN OF TONAWANDA. THIS GOAL, HOWEVER, WAS TEMPERED BY THREE CONCERNS.

THE FIRST INVOLVED HEALTH AND SAFETY CONCERNS. CANIT, FROM THE START, FELT IT COULD NOT FAVOR A SOLUTION THAT SIGNIFICANTLY

INCREASED THE RISK FROM RADIATION EXPOSURE TO EITHER THE RESIDENTS OF TONAWANDA OR THE RESIDENTS OF ANY OTHER PART OF THE NATION. IF THERE WAS A SIGNIFICANT RADIATION HEALTH RISK FROM REMOVAL ACTIVITIES THAT DID NOT EXIST FROM KEEPING THE WASTE IN THE TOWN, OUR SUPPORT FOR OUR PREFERRED ALTERNATIVE WOULD HAVE TO BE REVISED.

THE SECOND CONCERN INVOLVED WHERE THE MATERIAL WOULD GO. WE FELT THAT WE DID NOT WANT TO TRANSFER OUR PROBLEM TO SOME OTHER PART OF THE COUNTRY THAT DID NOT WANT TO PROVIDE ASSISTANCE AND, OF COURSE, WE WANTED TO BE SURE THAT THE WASTE WOULD BE PROPERLY HANDLED AND STORED PERMANENTLY AND SAFELY AT THE NEW LOCATION.

FINALLY, WE WANTED TO SELECT A SOLUTION THAT WAS FEASIBLE AND THAT WAS FAIR TO FEDERAL TAXPAYERS. WE ARE ALL MINDFUL OF THE FINANCIAL CHALLENGES THAT ARE FACING THE NATION AND WE DID NOT FEEL THAT WE COULD SUPPORT A SOLUTION THAT THE NATION COULD NOT AFFORD IF LESS COSTLY SOLUTIONS COULD BE FOUND THAT WOULD PROTECT THE HEALTH AND SAFETY OF LOCAL RESIDENTS.

HAPPILY, AT LEAST FROM OUR PERSPECTIVE, EACH OF THESE THREE CONCERNS HAS BEEN RESOLVED IN SUCH A WAY THAT WOULD ALLOW FOR REMOVAL OF THE WASTE FROM THE TOWN.

HEALTH AND SAFETY

FOR ALL OF US, HEALTH AND SAFETY CONCERNS COME FIRST. WHILE AT OTHER PARTS OF OUR TESTIMONY, PARTICULARLY IN THE TESTIMONY OF [REDACTED], WE WILL REFER TO HEALTH AND SAFETY CONCERNS NOT YET ADDRESSED OR NOT ADDRESSED FULLY, MY COMMENT NOW IS INTENDED TO COMPARE THE HEALTH AND SAFETY CONCERNS FROM ON-SITE VERSUS OFF-SITE DISPOSAL. THE ISSUES RAISED BY DR. HAAS WILL HAVE TO BE ADDRESSED EITHER WAY.

WE DO BELIEVE THAT A PROPERLY DESIGNED, OPERATED AND MAINTAINED CELL, IN EITHER TONAWANDA OR AT SOME OTHER LOCATION IN THE COUNTRY, WILL IN NORMAL CIRCUMSTANCES BE ABLE TO CONTAIN THE RADIATION AND THUS PREVENT IT FROM COMING INTO CONTACT WITH HUMANS OR THE ENVIRONMENT. HOWEVER, WE DO NOT BELIEVE DOE HAS PROPERLY ANALYZED THE CONSEQUENCES OF THE FAILURE OF THE CONTAINMENT CELL IF IT IS LOCATED IN TONAWANDA. A CELL MIGHT FAIL THROUGH IMPROPER DESIGN, IMPROPER MAINTENANCE OR THROUGH AN ACT OF GOD. AS WE HAVE DISCOVERED, UNFORTUNATELY THE HARD WAY AT LOVE CANAL, CELLS CAN BECOME INEFFECTIVE AS A RESULT OF FAULTY DESIGN OR THROUGH THE IMPROPER ACTIONS OF HUMANS WHO, A GENERATION LATER, "FORGOT" WHAT WAS BURIED IN THEIR MIDST. ACTS OF GOD SUCH AS EARTHQUAKES, FLOODS, PLANE CRASHES EVEN GLACIERS (REMEMBER THIS WASTE WILL REMAIN HAZARDOUS FOR 4.5 BILLION YEARS) COULD CAUSE EVEN A PROPERLY DESIGNED AND MAINTAINED CELL TO BREACH. THE FEASIBILITY STUDY (P. 5-109) STATES:

"THE PARTIAL EXCAVATION AND ON-SITE DISPOSAL FACILITY IN ALTERNATIVE 5 WOULD PROVIDE A LOW TO MODERATE LEVEL OF PROTECTION OF LOCAL GEOLOGY AND SOILS. IN ADDITION TO THE CONTAMINANTS LEFT IN PLACE, SOME POTENTIAL RISK OF CONTAINMENT FAILURE WOULD BE ASSOCIATED WITH AN ON-SITE DISPOSAL FACILITY."

THUS, DOE RECOGNIZES THE RISK OF A CELL FAILURE, BUT DOES NOT THEN COMPARE THE POTENTIAL FOR HUMAN EXPOSURE AT THE LARGELY UNPOPULATED UTAH SITE TO THE HEAVILY POPULATED TONAWANDA SITE. NOR DOES IT RECOGNIZE THE POTENTIAL IMPACT ON THE NIAGARA RIVER, A DRINKING WATER SOURCE FOR MILLIONS OF PEOPLE IN THE U.S. AND CANADA.

THE UNITED STATES AND CANADA HAVE, BY TREATY AND THROUGH THE ACTIONS OF THE INTERNATIONAL JOINT COMMISSION, PLEDGED TO TAKE EXTRAORDINARY ACTIONS TO PROTECT THE WATERS OF THE GREAT LAKES. THIS PRECIOUS RESOURCE CONTAINS ONE FIFTH OF ALL THE FRESH WATER IN THE WORLD. THE ON-SITE STORAGE FACILITY BEING CONTEMPLATED BY DOE WOULD BE WITHIN SIGHT OF THE NIAGARA RIVER. WE HAVE CONCLUDED THAT DOE HAS NOT ADEQUATELY CONSIDERED THE IMPACT OF THESE RESOURCES FROM A CELL FAILURE.

WE HAVE REVIEWED THE COMPARATIVE RISK FROM REMOVAL TO ON-SITE DISPOSAL.

BASED UPON DOE'S ESTIMATES, WE BELIEVE THE RISK FROM EXCAVATION IS THE SAME IF THE WASTE STAYS IN TONAWANDA OR IS MOVED OFF SITE. THE ONLY ADDITIONAL RISK THAT IS CAUSED BY REMOVAL IS THE RISK OF EXPOSURE DURING TRANSPORTATION TO THE OTHER SITE. WHILE WE BELIEVE DOE OVERSTATES THIS RISK, BY ALL MEASURES IT IS QUITE SMALL. ACCORDING TO THE FEASIBILITY STUDY, THE TRANSPORTATION RISKS ARE NOT DEPENDENT ON THE TYPE OF WASTE SHIPPED (RADIOACTIVE VS. NON-RADIOACTIVE), BUT RATHER ON THE METHOD OF TRANSPORTATION EMPLOYED (RAIL OR TRUCK) AND ON THE DISTANCE TRAVELED TO HAUL THE MATERIAL.

FOR A COMPARISON BETWEEN THE OFF-SITE VERSUS ON-SITE TRANSPORTATION RISKS, THE PROBABILITY FOR AN ACCIDENT ARE COMPARABLE, AND IN ALL CASES INVOLVE LESS THAN ONE HALF OF ONE FATALITY FROM A TRAFFIC ACCIDENT DURING WASTE MOVEMENT.

ALTERNATE SITE

WITH REGARD TO THE SECOND CONCERN, WE ARE NOW SATISFIED THAT THERE IS A SAFE LOCATION AVAILABLE TO RECEIVE OUR FUSRAP WASTES THAT IS WILLING, IF NOT EAGER, TO ACCEPT THEM. THE AVAILABILITY OF THIS COMMERCIAL SITE, WHICH IS LICENSED AND OPERATING, CAME TO OUR ATTENTION AS THE RESULT OF THE WORK OF CANIT MEMBERS. DOE NEVER DISCLOSED TO US THAT THIS SITE WAS OPEN, KNOWN TO THEM, AND

IN THE PROCESS OF OBTAINING A LICENSE CHANGE THAT WOULD ALLOW IT TO ACCEPT FUSRAP WASTE. THE SITE, IN CLIVE, UTAH, IS OPERATED BY LARGE, FINANCIALLY SECURE COMPANIES, HAS BEEN OPERATING PURSUANT TO FEDERAL LICENSE, AND IS FAR REMOVED FROM THE POPULATION DENSITIES THAT EXIST IN TONAWANDA.

IN ADDITION TO BEING AVAILABLE AND WILLING TO TAKE THE TONAWANDA WASTE, WE LEARNED THAT THE UTAH SITE WOULD TAKE THE WASTE AT A PRICE SIGNIFICANTLY BELOW THE COST BEING PROJECTED BY DOE FOR A COMMERCIAL OPERATION. WHEN WE ADVISED DOE OF THE COST QUOTES WE WERE RECEIVING, DOE REVISED ITS PROJECTIONS FOR COMMERCIAL OFF-SITE DISPOSAL FROM MORE THAN \$230 MILLION TO APPROXIMATELY \$201 MILLION.

FUNDING

WITH REGARD TO THE THIRD CONCERN, WE BELIEVE, BASED UPON INFORMATION PROVIDED TO US BY DOE, THAT THERE MAY BE SUFFICIENT FUNDS MADE AVAILABLE TO THE FUSRAP EFFORT TO PAY THE HIGHER COSTS INVOLVED IN OFF-SITE DISPOSAL. WE HAVE BEEN QUITE CONCERNED, AND DID A GREAT DEAL OF SOUL SEARCHING, TO TRY TO FIND THE PROPER ANSWER TO THIS QUESTION. WE FEARED THAT, SHOULD WE INSIST UPON A SOLUTION THAT COULD NOT BE AFFORDED, THE WASTE MIGHT REMAIN IN ITS CURRENT UNCONTAINED STATUS INDEFINITELY. AFTER ALL, THE WASTE HAS BEEN IN OUR MIDST FOR ALMOST 50 YEARS, PERHAPS THE FEDERAL GOVERNMENT, UNABLE TO AFFORD OUR PREFERRED SOLUTION,

WOULD ALLOW THE WASTE TO STAY EVEN LONGER.

WE HAVE SATISFIED OURSELVES THAT THE CONGRESSIONAL MANDATE TO DOE IS WITHOUT CONDITION. DOE MUST PROCEED TO CLEAN-UP THESE SITES WITHIN THE FUNDING MADE AVAILABLE BY CONGRESS.

IN ORDER TO ANALYZE THE LIKELIHOOD THAT CONGRESS WOULD PROVIDE SUFFICIENT FUNDING FOR REMOVAL, ON OCTOBER 19, 1993, WE WROTE TO DOE WITH A SERIES OF QUESTIONS, INCLUDING A REQUEST FOR A "DOE BUDGET FORECAST FOR FUSRAP". ON NOVEMBER 5, 1993, DOE RESPONDED TO OUR LETTER. THE DOE RESPONSE WAS A SURPRISE IN A NUMBER OF WAYS. PERHAPS OF MOST INTEREST WAS TABLE 1, WHICH WAS A "BASELINE RESOURCE PLAN" FOR DOE FUSRAP EFFORTS. THIS PLAN SHOWED A TOTAL PLANNED EXPENDITURE OF \$2.5 BILLION FROM 1994 (INCLUDING CERTAIN PRIOR YEAR EXPENDITURES) TO 2016 FOR ALL FUSRAP SITES. IT ALSO SHOWED A PLANNED EXPENDITURE OF \$197 MILLION FOR THE TONAWANDA FUSRAP EFFORTS. THE TONAWANDA SITE, INCLUDING ALL FOUR LOCATIONS, HAS APPROXIMATELY 18% BY VOLUME OF THE TOTAL FUSRAP WASTE IN THE ENTIRE COUNTRY. THE DOE ALLOCATION PLAN DATED APRIL OF 1992, ONLY OFFERS US APPROXIMATELY 8% OF THE TOTAL NATIONAL RESOURCES. IF WE WERE TO ACCEPT THE DOE RECOMMENDED SOLUTION OF ON-SITE DISPOSAL, WE WOULD ONLY BE OFFERED APPROXIMATELY 2% OF THE TOTAL PROGRAM RESOURCES. IF THE \$2.5 BILLION FIGURE IS AN ACCURATE PREDICTION OF THE TOTAL PROGRAM SIZE (AND, OF COURSE, DOE IS IN THE BEST POSITION TO KNOW), THEN ALL WE WANT IS THE AMOUNT NEEDED TO PROCEED WITH OUR

PREFERRED ALTERNATIVE, OFF-SITE REMOVAL. DOE ESTIMATES THAT THIS ALTERNATIVE WILL COST \$201 MILLION. THIS IS LESS THAN OUR PERCENTAGE SHARE OF THE WASTE WOULD YIELD.

WHILE DOE HAS SINCE INDICATED THAT THE INFORMATION WHICH IT PROVIDED ON NOVEMBER 5, 1993, AS SHOWN ON TABLE 1, IS DATED, HAD A \$10 MILLION MATHEMATICAL ERROR, AND WILL BE REVISED WITH REGARD TO THE AMOUNT PROJECTED FOR TONAWANDA, OR THAT THE \$197 MILLION SHOWN ON TABLE 1 REALLY ONLY EQUALS \$54 MILLION, DOE HAS NOT INDICATED THAT THE \$2.5 BILLION TOTAL PROGRAM SIZE HAS BEEN REDUCED. SO LONG AS DOE CONTINUES TO PROJECT THIS AMOUNT FOR THE TOTAL PROGRAM, WE WILL INSIST ON OUR FAIR SHARE, AT LEAST TO THE EXTENT NEEDED TO HAVE THE WASTE REMOVED FROM TONAWANDA.

4. CANIT POSITION

ON NOVEMBER 23, 1993, THE CANIT EXECUTIVE COMMITTEE UNANIMOUSLY VOTED NOT TO SUPPORT THE DOE RECOMMENDED DECISION WHICH CALLED FOR ON-SITE DISPOSAL OF THE FUSRAP WASTE IN TONAWANDA. THE REASONS FOR THIS ARE AS FOLLOWS:

- THE REMEDIAL INVESTIGATION/FEASIBILITY STUDY (RI/FS) DOES NOT ADEQUATELY ADDRESS A NUMBER OF HEALTH RELATED ISSUES, INCLUDING THE POTENTIAL FOR RADON CONTAMINATION AND THE POSSIBLE CONTAMINATION OF CREEKS AND SEWERS;

- THE RI/FS DOES NOT ADEQUATELY DEAL WITH THE QUESTIONS OF MIXED WASTE (MIXED WASTE IS RADIOACTIVE WASTE MIXED WITH OTHER HAZARDOUS WASTES, SUCH AS CHEMICAL WASTES);

- THE DOE HAS NOT ADEQUATELY ADDRESSED CONCERNS RAISED BY CANIT REGARDING THE FINANCIAL RESOURCES THAT MIGHT BE MADE AVAILABLE FOR EACH OF THE ALTERNATIVES. FROM THE INFORMATION PROVIDED BY DOE, WE CANNOT ADEQUATELY DETERMINE IF THERE WILL BE ENOUGH MONEY MADE AVAILABLE FOR OUR PREFERRED ALTERNATIVE TO MOVE THE WASTE OUT OF TONAWANDA;

- THE DOE'S PROPOSED ALTERNATIVE IS IN CONFLICT WITH REDEVELOPMENT PLANS FOR THE TOWN OF TONAWANDA FOR REDEVELOPMENT OF ITS WATERFRONT IN COORDINATION WITH THE HORIZONS WATERFRONT COMMISSION. IN ADDITION, THE PROPOSED DOE PLAN FAILS TO ACCURATELY STATE THE CURRENT ZONING FOR THE SITE;

- THE DOE'S PROPOSED ALTERNATIVE WILL NOT PROVIDE FOR UNRESTRICTED LAND USE, WHICH WAS A STATED GOAL OF THE PROGRAM. ONLY IF THE LAND IS COMPLETELY CLEAN WOULD "UNRESTRICTED USE" WOULD BE ALLOWED.

5. CONCLUSION

IN CONCLUSION, FOR ALL THE REASONS STATED, CANIT CANNOT SUPPORT THE RECOMMENDED DECISION OF DOE TO DEVELOP AN ON-SITE DISPOSAL FACILITY FOR THE TONAWANDA FUSRAP WASTES. WE URGE DOE TO GIVE THE PROPER WEIGHT TO THE OPINION OF CANIT AS A RECORD OF DECISION IS DEVELOPED.