

My name is Robert Kennedy. I reside at 209 Whippoorwill Dr. I am a registered professional engineer in Tennessee, and I appear here before you tonight as chair of EQAB in re: DOE's Proposed Plan for the Disposal of Oak Ridge Reservation CERCLA Waste, (hereinafter "Plan").

EQAB recommends City Council should withhold endorsing this Plan until the serious flaws we identified are corrected **AND ALSO** until DOE has committed itself to fully follow the NEPA process as provided by law, especially in regard to timely understandable communication with the host community (us), without *a priori* exception- or waiver-seeking.

In brief, it was EQAB's sense that this Plan is not ready for prime time. It has dozens of serious flaws—numerical, logical, grammatical, programmatic—to be detailed in a forthcoming report this month.

How the waste from the ORR is ultimately handled has ramifications for centuries into the future for Oak Ridgers and those who live downstream of here. A 30-day timeframe for a Record of Decision is unnecessary, unseemly, and unwise. No rush to judgement!

Past performance and beer. (Don't laugh, I have a point.) EQAB is unimpressed by DOE's past performance at the existing EMWTF, which has wasted much of its design capacity due to mismanagement. We are also unhopeful that yet another waste dump would be run any better. It is always fair and prudent to evaluate past performance as a factor before making any decision. For example, the Beer Board only grants a permit to an *individual* manager working at a *particular* venue. Past performance is a significant factor in the Board's decision—for example, a history of violations for serving alcohol to minors would be disqualifying. So, if past history is any guide, we'll be debating another dump in 20 years, permanently spoiling yet another greenfield. Vetting a project of this magnitude (hundreds of millions of dollars) with such a long tail (centuries, even millennia) ought to be at least as rigorous as what we do when granting someone a beer permit.

No Plain English. We're not idiots, but we had trouble understanding the text, following the logic, or readily finding support for claims. In addition, there was no executive summary, laying out, in plain English for normal people, the most important considerations and recommendations.

Bad Faith. DOE has also stated out the outset in the Plan and in other venues that they will seek waivers for *at least* three significant elements: reducing required height above water table, restricting maximum permissible uses of surface water and groundwater, and exception with respect to the handling mercury. This is like saying, "we will sell bladeless knives without handles". If the site is "perfect", why are *any* waivers needed? Under these conditions, RCRA is the more appropriate process. If a private-sector entity entered a deal with reservations like this in mind, they would be accused of "negotiating in bad faith".

Masonry and Mercury are Like a Sponge and Water. Metallic mercury (liquid at room temperature) is so slick that it will penetrate and infiltrate, just by gravity, even a seemingly solid concrete. Under the right circumstances the mercury can move right back out again—at the microscopic scale, stone is a sponge. The vast majority of the public, who would have to live with the mercury if it is released again, do not understand this. Nowhere is it made clear to the reader, or even hinted at. East Tennessee is a temperate rain forest, above miles of bedrock full of holes. There is no safe way to store such a fugitive substance like metallic mercury, except far away from people, and far away from water, that is at any of a number of existing, already-permitted, dry, remote facilities out West.