Citizens Advisory Board

Idaho National Engineering and Environmental Laboratory

99-CAB-062

June 11, 1999

U.S. Department of Energy
Office of Fissile Materials Disposition
P.O. Box 23786
Washington, DC 20026-3786

Dear Sirs:

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The Site-Specific Advisory Board (SSAB) for the Idaho National Engineering and Environmental Laboratory (INEEL), also known as the INEEL Citizens Advisory Board (CAB), is a local advisory committee chartered under the Department of Energy's (DOE) Environmental Management SSAB Federal Advisory Committee Act Charter.

For quite some time, the INEEL CAB has been interested in the DOE's efforts to prepare environmental documentation for the disposition of surplus plutonium. Although the INEEL CAB did not submit comments during the scoping period for the Surplus Plutonium Disposition Environmental Impact Statement (EIS), the CAB did reach consensus on a recommendation providing comments on the scope of the EIS in November of 1997. A copy of that recommendation is included as Attachment 1.

The INEEL CAB submitted a request for copies of the draft EIS via e-mail on August 6, 1998. The e-mail message is included as Attachment 2. Unfortunately and inexplicably, no copies were provided. The CAB was able to obtain a copy of the draft EIS from someone who did have access to a copy, however. The CAB reached consensus on a recommendation providing comments on the Draft EIS in September of 1998. A copy of that recommendation is included as Attachment 3. 1

The INEEL CAB sent a request for information about the Supplement Analysis via e-mail on April 28, 1999. A copy of that e-mail message is included as Attachment 4. A response from Bert Stevenson explained that the Supplement Analysis would be sent in the near future to the same mailing list as used for the Draft EIS. He also stated that DOE would solicit public comment on the Supplement Analysis for a period of 45 days. A copy of Mr. Stevenson's message is included as Attachment 5.

Because the INEEL CAB suspected that we might not yet be on the mailing list, a request for copies of the Supplement Analysis was submitted via e-mail on May 28, 1999. A copy of that e-mail message is included as Attachment 6. Despite that request, copies of the Supplement Analysis have not been mailed to the INEEL CAB.

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FR001–1 **General SPD EIS and NEPA Process**

DOE regrets any inconvenience by the INEEL CAB in obtaining copies of the SPD Draft EIS and the *Supplement to the SPD Draft EIS* and has taken measures to ensure documents will be sent in a timely fashion to individual members. Response to the consensus on a recommendation on the SPD Draft EIS by the INEEL CAB is provided in Volume III, Chapter 3.

Although it did not extend the comment period, DOE did consider all comments received after the close of that period for the *Supplement*. All comments were given equal consideration and responded to as presented in Volume III, Chapter 4.

Since the inception of the U.S. fissile materials disposition program, DOE has supported a vigorous public participation policy. The office has provided the public with substantial information in the form of fact sheets, reports, exhibits, visual aids, and videos related to fissile materials disposition issues. It hosts frequent workshops, and senior staff members make presentations to local and national civic and social organizations on request. Additionally, various means of communication—mail, a toll-free telephone and fax line, and a Web site (http://www.doe-md.com)—have been provided to facilitate public dialogue.

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CHARLES M. RICE
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Although Mr. Stevenson's message specified that the Supplement Analysis would be available on the Office of Fissile Materials Disposition homepage, we erred by attempting to locate it on DOE's NEPA homepage. We therefore did not find it until June 11, 1999.

On June 8, two postcards were received by the INEEL CAB. Both were post-marked June 3, 1999. One indicates that DOE will hold a public meeting on the "Supplement to the Draft Surplus Plutonium Environmental Statement" (sic) on June 15, 1999 in Washington, DC. The other indicates that DOE has issued the Supplement Analysis, describes how copies of the document may be obtained, and states that the comment period on the document will run from May 14 to June 28, 1999. Copies of the two postcards are included as Attachments 7 and 8.

The INEEL CAB questions how a 45-day public comment period that is scheduled to end on June 28, 1999 can be adequate if interested stakeholders are not notified until June 8, especially if copies of the document are not provided. 1

The INEEL Citizens Advisory Board hereby respectfully requests an extension in the public comment period. The INEEL CAB meets every other month for a period of two days. Our next meeting will be on July 20 and 21, 1999. As the INEEL CAB uses consensus-building processes to develop its recommendations, we would appreciate the opportunity to wait until our meeting to finalize our comments on the Supplement Analysis. That would require an extension in the comment period of 23 days.

We are frustrated that DOE has yet to acknowledge our interest in disposition of surplus plutonium as documented by the fact that we have yet to be added to the distribution lists for the project.

The Notice of Intent to prepare a supplement to the Surplus Plutonium Disposition Draft EIS published in the ***Federal Register*** on April 6, 1999 indicates that the Supplement Analysis "will update the SPD EIS by examining the potential environmental impacts of using mixed oxide fuel in six specific commercial nuclear reactors at three sites for the disposition of surplus weapons grade plutonium." Without the benefit of reviewing the Supplement Analysis, we nonetheless question the need for conducting such an analysis in advance of the Record of Decision for the disposition of surplus plutonium. This perpetuates our concerns, expressed in our recommendation on the Draft EIS (Attachment 3), that DOE has "decided to pursue the MOX disposition option without the benefit of adequate analysis." 2

In addition, the INEEL CAB questions the adequacy and appropriateness of DOE's strategy for complying with the National Environmental Policy Act (NEPA). As communicated in our recommendation on the draft EIS (Attachment 3), the INEEL CAB felt DOE "conducted a less-than-rigorous analysis of the full immobilization alternatives." We went on to recommend that "the total immobilization options be given full consideration and rigorous discussion in this EIS."

Finally, the INEEL CAB is genuinely concerned about DOE Headquarters' (DOE-HQ) commitment to public involvement in general, and specifically the commitment to the meaningful involvement of the SSABs, in this and other significant issues. The INEEL CAB is still not on the mailing list for the Surplus Plutonium Disposition EIS despite two consensus recommendations and three e-mail messages. 1

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FR001–2 **Alternatives**

DOE conducted a procurement process in accordance with DOE NEPA regulations 10 CFR 1021.216. The selected team, DCS, would design, request a license, construct, operate, and deactivate the MOX facility as well as irradiate the MOX fuel in domestic, commercial reactors. However, these activities are subject to the completion of the NEPA process. The purpose of the *Supplement* was to give the public the opportunity to comment on the reactor-specific information that was not available at the time the SPD Draft EIS was published. The *Supplement* also included information from DCS. As stipulated in DOE's phased contract with DCS, until and depending on the decisions regarding facility siting and approach to surplus plutonium disposition are made and announced in the SPD EIS ROD, no substantive design work or construction can be started by DCS on the MOX facility. Should DOE decide to pursue the No Action Alternative or the immobilization-only approach, the contract with DCS would end. The contract is phased so that only nonsite-specific base contract studies and plans can be completed before the ROD is issued, and options that would allow construction and other work would be exercised by DOE if, and only if, the decision is made to pursue the MOX approach.

Both the draft and final SPD EIS analyze immobilization-only alternatives where all 50 t (55 tons) of surplus plutonium would be immobilized at either Hanford or SRS, with pit disassembly and conversion taking place at either Hanford, Pantex or SRS. A total of four immobilization-only alternatives (Alternatives 11A, 11B, 12A, and 12B) are analyzed, all of which will be given full consideration prior to making a decision on the approach to surplus plutonium disposition in the SPD EIS ROD.

At this time, DOE has identified as its preferred alternative the hybrid approach. Pursuing both immobilization and MOX fuel fabrication provides the United States important insurance against potential disadvantages of implementing either approach by itself. The hybrid approach also provides the best opportunity for U.S. leadership in working with Russia to implement similar options for reducing Russia's excess plutonium in parallel. Further, it sends the strongest possible signal to the world of U.S. determination to reduce stockpiles of surplus plutonium as quickly as possible and in a manner

Recently, DOE failed to respond to repeated requests for information regarding the April 1999 shipment of transuranic waste from INEEL to the Waste Isolation Pilot Plant. (Specifics of that experience are addressed in Attachments 9 and 10.) The INEEL CAB is not blaming the Office of Fissile Materials Disposition for this latter situation. Both nonetheless fall within the responsibility of the DOE-HQ.

Considered together, the two appear to establish a most disturbing trend of a failure to provide the INEEL CAB with timely information. They evidence a lack of genuine openness and responsiveness within the Department as a whole. 1

The undersigned will attend the public meeting in Washington, DC on Tuesday, June 15, 1999 to communicate our concerns in person. Please make every effort to ensure he is afforded an opportunity to speak during the morning session of the public meeting so that he may return to Idaho promptly.

Sincerely,

Chuck Rice
Chair, INEEL CAB

Attachments:

1. INEEL CAB Letter (97-CAB-112) dated November 30, 1997 and INEEL CAB Recommendation #31: Issues for Consideration in the Draft Surplus Plutonium Disposition Environmental Impact Statement, dated November 19, 1997.
2. E-mail message dated August 6, 1998 from Wendy Green Lowe (INEEL CAB Facilitator) to Bert Stevenson.
3. INEEL CAB Letter (98-CAB-206) dated September 16, 1998 and INEEL CAB Recommendation #46: Surplus Plutonium Disposition Draft Environmental Impact Statement, dated September 15, 1998.
4. E-mail message dated April 28, 1998 from Wendy Green Lowe to Bert Stevenson.
5. E-mail message dated April 29, 1998 from Bert Stevenson to Wendy Green Lowe.
6. E-mail message dated May 28, 1998 from Wendy Green Lowe to Bert Stevenson.
7. Postcard regarding public meeting.
8. Postcard regarding release of the supplement to the Draft Surplus Plutonium Disposition Environmental Impact Statement.

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that would make it technically difficult to use the plutonium in nuclear weapons again. Because the Russians have expressed concern that immobilization would not destroy any plutonium, it is conceivable that the Russians would not disposition their surplus plutonium stockpile if the United States were to implement an immobilization-only approach. Sensitive negotiations between the two countries have indicated that the Russian government accepts the technology of immobilization for low-concentration, plutonium-bearing materials, but that the MOX approach would be considered for higher-purity feed materials.

9. INEEL CAB Letter (99-CAB-034) dated March 19, 1999 and INEEL CAB Recommendation #57: The Idaho National Engineering and Environmental Laboratory Citizens Advisory Board's Position on the Potential Violation of the April 30th Milestone under the Idaho Settlement Agreement, dated March 17, 1999.

10. INEEL CAB Letter (99-CAB-008) dated January 27, 1999 to Secretary William B. Richardson.

cc: Stanley Hobson, INEEL CAB Plutonium Committee Chair
Beverly Cook, DOE-ID
Laura Holgate, DOE-HQ
Carol Borgstrom DOE-HQ
James M. Owendoff, DOE-HQ
Martha Crosland, DOE-HQ
Fred Butterfield, DOE-HQ
Other SSAB Chairs
Larry Craig, U.S. Senate
Mike Crapo, U.S. Senate
Mike Simpson, U.S. House of Representatives
Helen Chenowith, U.S. House of Representatives
Laird Noh, Chair, Idaho Senate Resources and Environment Committee
Golden C. Linford, Chair, Idaho House of Representatives Resources and Conservation Committee
Jack Barraclough, Idaho House of Representatives Environmental Affairs Committee
Gerald Bowman, DOE-ID
Kathleen Trever, State of Idaho INEEL Oversight
Wayne Pierre, U.S. Environmental Protection Agency Region X

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Citizens Advisory Board

Idaho National Engineering and Environmental Laboratory

97-CAB-112

November 30, 1997

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Wendy Green Lowe
Stephanie Meyers

John Wilcynski
U. S. Department of Energy
Idaho Operations Office
850 Energy Drive
Idaho Falls, ID 83401

Dear Mr. Wilcynski:

Attached please find the recommendation from the Citizens Advisory Board regarding concerns about the draft Surplus Plutonium Disposition Environmental Impact Statement. This recommendation was formed via consensus at the November 18-19, 1997 Board meeting, and it reflects concerns held by Board members.

The Board looks forward to DOE-ID's response to this recommendation.

Sincerely,

Charles M. Rice, Chair

cc: Al Alm, DOE-HQ
Martha Crosland, DOE-HQ (EM-22)
U.S. Senator Larry Craig
U.S. Senator Dirk Kempthorne
U.S. Representative Mike Crapo
Gerald Bowman, DOE-ID
Kathleen Trever, State of Idaho INEEL Oversight
Wayne Pierre, U.S. Environmental Protection Agency, Region X

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Attachment 1.

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Citizens Advisory Board
Idaho National Engineering and Environmental Laboratory

ISSUES FOR CONSIDERATION IN THE DRAFT SURPLUS PLUTONIUM DISPOSITION ENVIRONMENTAL IMPACT STATEMENT

RECOMMENDATION

The INEEL CAB acknowledges that the scoping period for the Surplus Plutonium Disposition EIS has ended. Our interest in the issue is ongoing, and we respectfully submit this list of concerns in hopes that they may be addressed in the Draft EIS when it is released. Board members have concerns regarding:

- The need for and safety related to transportation of the plutonium across the Fort Hall Indian Reservation and elsewhere in the nation,
- Comparative analyses of environmental impacts and costs at each of the four alternative sites,
- Safe handling, storage, and transportation of all materials,
- Disposition plans for any and all wastes that will result,
- Security plans,
- Plans for where and how the mixed-oxide fuel will be used (including a demonstration of marketability),
- Environmental protection,
- Worker and public health and safety,
- Operation of all related facilities in full compliance with all relevant environmental regulations, including the Idaho Settlement Agreement,
- Whether the mission would bring funding to Idaho (to help support the existing infrastructure) without detracting from the site's ability to meet compliance schedules, and
- The costs associated with handling spent mixed-oxide nuclear fuel (e.g., storage and disposal).

The Board feels that DOE could do a better job at demonstrating the rationale for its decision to pursue mixed-oxide fuel fabrication instead of vitrification. In particular, the Board feels DOE must offer a complete and sound comparison between mixed oxide fuel fabrication and vitrification that substantiates DOE's proposed path forward in the Programmatic EIS ROD, including whether:

- mixed-oxide fuel fabrication is superior to vitrification at achieving nonproliferation,
- mixed-oxide fuel fabrication can be implemented cost-effectively,
- mixed-oxide fuel fabrication renders the plutonium into a form that cannot be utilized in the future for weapons production.

RECOMMENDATION #31 NOVEMBER 19, 1997

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Citizens Advisory Board
Idaho National Engineering and Environmental Laboratory

SURPLUS PLUTONIUM DISPOSITION DRAFT ENVIRONMENTAL IMPACT STATEMENT

The Idaho National Engineering and Environmental Laboratory (INEEL) Citizens Advisory Board (CAB) reviewed the U.S. Department of Energy (DOE)'s Surplus Plutonium Disposition Draft Environmental Impact Statement (EIS), although it was difficult to obtain copies to support our review. We regret that the INEEL CAB was not on the distribution list for the document—despite the fact that we submitted a recommendation addressing the ongoing EIS in the fall of 1997. Our request for copies of the Draft EIS (sent via the DOE's National Environmental Policy Act Internet homepage) similarly did not affect a response.

We submit the following recommendations and comments to support DOE's efforts to develop legally defensible environmental documentation for decision making related to the nonproliferation mission. **We recommend that the Department respond to all comments on the Draft EIS received during this comment period in order to ensure that the Final EIS will be able to support a decision by the Secretary of Energy on this important mission.**

GENERAL COMMENTS

The INEEL CAB notes that Chapter One of the Surplus Plutonium Disposition Draft EIS includes the following quotation:

> "The Record of Decision for the *Storage and Disposition Programmatic Environmental Impact Statement* (PEIS) issued January 14, 1997 outlines DOE's decision to pursue an approach to plutonium disposition that would make surplus weapons-usable plutonium inaccessible and unattractive for weapons use. DOE's disposition strategy, consistent with the preferred alternative analyzed in the *Storage and Disposition* PEIS, allows for both the immobilization of some (and potentially all) of the surplus plutonium and use of some of the surplus plutonium as mixed oxide (MOX) fuel in existing domestic, commercial reactors."

The statement suggests that DOE believes that both approaches would render surplus plutonium (weapons-usable plutonium that has been deemed surplus) inaccessible and unattractive for weapons use, thereby achieving DOE's objectives.

Our analysis of the information presented in the Draft EIS leads us to a conclusion that DOE conducted a less-than-rigorous analysis of the full immobilization alternatives. We note that DOE conducted more extensive analysis for all of the hybrid alternatives (those that would involve implementation of both approaches). This leaves the reader with an impression that DOE decided to pursue the MOX disposition option without the benefit of adequate analysis.

Similarly, the INEEL CAB notes that the description of the alternatives is unclear regarding how immobilization would achieve the standards set the National Academy of Sciences. It has not been demonstrated, for example, that high-level waste can be used in the can and canister immobilization

method to achieve a radiation barrier. **The INEEL CAB recommends that the total immobilization options be given full consideration and rigorous discussion in this EIS.** Such an analysis will make the Final EIS less vulnerable to legal challenge and allow the Secretary of Energy greater leeway in selecting the most appropriate path forward for the disposition of surplus plutonium.

The members of the INEEL CAB are divided on whether national and/or international interests would be better served by selection of the total immobilization or the hybrid approach, partly because we lack confidence in the adequacy of the analysis. Improved analysis may reveal that the hybrid approaches will result in greater impacts on the environment, human health, and security. The hybrid alternative could also take a much longer period of time, require more transportation of radioactive materials, and produce greater quantities of wastes. We note that some of the alternatives propose using a 1954 facility for plutonium conversion and immobilization, which could involve permitting challenges that are not adequately addressed in the EIS.

Because our review of the Draft EIS left us without answers to questions about the true impacts of the various alternatives, we concluded that the Draft EIS does not allow comparison of the two approaches, much less comparison of the full range of alternatives. **The INEEL CAB recommends that the Final EIS resolve these major issues by conducting additional analysis.**

The Draft EIS and presentations by DOE related to the document imply that the international community will not be satisfied with U.S. nonproliferation efforts in the absence of MOX. **In light of the fluid political situation in Russia, the INEEL CAB recommends that the assumptions (that the U.S. has no choice but to pursue the MOX alternative in order to ensure that Russia will take reciprocal action) should be periodically confirmed. The INEEL CAB further recommends that implementation of U.S. actions, regardless of which alternative is selected, should proceed concurrently with implementation of comparable actions in Russia.**

While the entire INEEL CAB wholeheartedly supports DOE's efforts to achieve nonproliferation objectives and would not argue in favor of a decision that would jeopardize Russian cooperation, the INEEL CAB recommends that DOE base its decisions on complete information and sound analysis. In the spirit of the National Environmental Policy Act, this EIS must document the decision in a publicly defensible manner.

COMMENTS ON THE *COST ANALYSIS IN SUPPORT OF SITE SELECTION FOR SURPLUS WEAPONS-USABLE PLUTONIUM DISPOSITION* DOCUMENT

The INEEL CAB regrets that the cost analysis of the various alternatives presented in the Draft EIS was provided in a separate document that was relatively unavailable. The absence of cost information in the Draft EIS itself leaves the reader to a conclusion that either (1) the costs of implementing the alternatives do not differ or (2) DOE will not consider costs in selecting from the various alternatives. Neither conclusion seems realistic or appropriate. **The INEEL CAB recommends the inclusion of more information about costs in the body of the Final EIS.**

Review of the cost analysis document allows an improved understanding of the costs associated with implementation of the surplus plutonium disposition decision. The INEEL CAB believes the cost analysis is based on a questionable methodology, as it appears that the costs were not fully evaluated. We question why the estimates of total costs do not appear to include certain categories of costs (nuclear reactor modifications and irradiation services, for example) based on an assumption that they will apply uniformly across all alternatives. It is hard to believe that nuclear reactor modifications will be required under the full immobilization alternatives, however. Calculation of fuel offsets and

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inclusion of those offsets in the estimates of total costs is questionable and the definition of those offsets is not clear, which further complicates the reader's ability to understand the analysis of costs for the various alternatives.

Similarly, we have concerns about the adequacy of cost estimates for immobilization as they are based on less thorough process design and experience than the MOX option. We also noted that they do not include cost estimates for several undetermined aspects of the plutonium ceramic fabrication process. Potentially significant costs that would be required to ensure that the glass product can meet the National Academy of Sciences "spent fuel standard" for making weapons plutonium "sufficiently unattractive to proliferation." Finally, recent developments at the Savannah River Site indicate that it could be significantly more expensive to meet nonproliferation standards using the immobilization approach than with one of the hybrid approaches.

The INEEL CAB recommends that the cost analysis include calculation of all expected costs associated with each of the alternatives—including appropriate offsets (those that result in real reductions in the costs to the U.S. government). The INEEL CAB further recommends an independent review of the cost estimates by competent cost analysts following the suggested recalculation. Improved cost estimates are imperative to support selection of the most appropriate alternative for inclusion in the Record of Decision following completion of the Final EIS.

COMMENTS REGARDING THE SITING OF THE LEAD TEST ASSEMBLY FABRICATION AND POST-IRRADIATION EXAMINATION PHASES

If DOE decides to pursue a hybrid approach, review of the analysis of the candidate sites for the lead test assembly phase reveals that Argonne National Laboratory - West (ANL-W) is well qualified. We noted that ANL-W was the only site that did not fall short in at least one of the site selection criteria considered.

With regard to the post-irradiation examination of the lead test assemblies, the INEEL CAB believes that ANL-W is uniquely qualified for conducting the needed examinations. The Hot Fuel Examination Facility has successfully completed similar missions and has appropriate facilities to handle all aspects of the work.

The INEEL CAB recognizes that fabrication of lead test assemblies will involve transportation of plutonium to the INEEL and fabricated fuel rods to the commercial power plant where irradiation will occur. In addition, we recognize that the post-irradiation evaluation phase will involve shipment of irradiated fuel rods to and from the site. The shipments to and from ANL-W, if the facility is selected to conduct either phase, will likely cross the Fort Hall Indian Reservation.

The INEEL CAB recommends that DOE-ID develop an agreement with the Shoshone-Bannock Tribes to allow and appropriately manage the transport of plutonium and other radioactive materials across the reservation. We further recommend that such an agreement be achieved before decisions are made on the siting of the lead test assembly fabrication and the post-irradiation evaluation phases.

With regard to the potential siting of both the lead test assembly and the post-irradiation examination phases at ANL-W, the INEEL CAB makes the following recommendations to help ensure that neither will jeopardize compliance with the Idaho Settlement Agreement:

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Now Available -The Department of Energy's Supplement to the Draft Surplus Plutonium Disposition Environmental Impact Statement

United States Department of Energy

Dear Stakeholder,

The Department of Energy has released a supplement to the Draft Surplus Plutonium Disposition Environmental Impact Statement which focuses on information developed as part of the MOX Procurement Process. The comment period for this document is from May 14 to June 28, 1999. You may request a copy of this document as follows:

MAIL	FAX/PHONE
United States Department of Energy Office of Fissile Materials Disposition P.O. Box 23786 Washington, DC 20026-3786	1-800-820-5156 Please leave your name and complete mailing address on the answering machine.

WORLD WIDE WEB
http://www.doe-md.com

Office of Fissile Materials Disposition

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Chair
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Attachment 8

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CITIZENS ADVISORY BOARD, INEEL
CHARLES M. RICE
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Citizens Advisory Board

Idaho National Engineering and Environmental Laboratory

99-CAB-034

March 19, 1999

William B. Richardson
Secretary of Energy
U.S. Department of Energy, Headquarters
1000 Independence Avenue, S.W., MS 7E-079
Washington, DC 20585

Dear Secretary Richardson:

On January 27, 1999, the Idaho National Engineering and Environmental Laboratory Citizens Advisory Board (INEEL CAB) sent a letter to you requesting information regarding an issue of grave concern to our Board. We have yet to receive a response.

At our March 1999 meeting, the full membership of the INEEL CAB reached consensus on the attached recommendation. It was a difficult recommendation to develop as our members had widely diverse opinions on the subject it addresses. We were able to find areas of agreement, however, and they form the basis for the recommendation.

We await your response to this recommendation.

Sincerely,

Charles M. Rice
Chair, INEEL CAB

cc: Stan Hobson, INEEL CAB Transuranic Waste Committee Chair
Warren Bergholz, DOE-ID
James Owendoff, DOE-HQ
Martha Crosland, DOE-HQ
Fred Butterfield, DOE-HQ
Larry Craig, U.S. Senate
Mike Crapo, U.S. Senate
Mike Simpson, U.S. House of Representatives
Helen Chenowith, U.S. House of Representatives
Laird Noh, Chair, Idaho Senate Resources and Environment Committee
Golden C. Linford, Chair, Idaho House of Representatives Resources and Conservation Committee
Jack Barraclough, Idaho House of Representatives Environmental Affairs Committee
Gerald Bowman, DOE-ID
Kathleen Trever, State of Idaho INEEL Oversight
Wayne Pierre, U.S. Environmental Protection Agency Region X

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Jason Staff:
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Amanda Jo Edelmayer
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Kevin Harris

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Attachment 9

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Citizens Advisory Board
Idaho National Engineering and Environmental Laboratory

The Idaho National Engineering and Environmental Laboratory Citizens Advisory Board's Position on the Potential Violation of the April 30th Milestone under the Idaho Settlement Agreement

RECOMMENDATION

The Idaho National Engineering and Environmental Laboratory (INEEL) Citizens Advisory Board (CAB) sees only two possible outcomes to a fast approaching deadline under the Idaho Settlement Agreement. Either the U.S. Department of Energy (DOE) is on the brink of violating a significant, legally binding milestone or the Department is about to ship transuranic waste somewhere without the benefit of public involvement in its decision to do so.

The Settlement Agreement was signed on October 16, 1995 under the auspices of the United States District Court for the District of Idaho. Signatures on the Settlement Agreement include those of Thomas P. Grumbly (on behalf of DOE), Admiral Bruce DeMars (for the U.S. Navy), and Idaho Governor Philip E. Batt. Among the various provisions in the Settlement Agreement, DOE committed to begin shipping transuranic waste out of Idaho by April 30, 1999. DOE's preferred strategy for meeting that milestone was to ship transuranic waste from the INEEL to the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico. At the INEEL CAB's January 1999 meeting, DOE-ID confirmed that DOE has made essentially no effort to identify alternatives to its preferred strategy. As a consequence, continuing challenges to the much-awaited opening of WIPP will likely preclude DOE's ability to effect its preferred strategy before April 30, 1999.

We believe that DOE's potential failure to meet an important milestone under the Settlement Agreement is a development of grave local and national significance and one that deserves our attention and consideration. As a federally chartered citizens advisory board, we feel it is our responsibility to both DOE and our fellow citizens in Idaho to make a recommendation to the federal agency we serve. On the eve of this potential violation, however, the members of the INEEL CAB find ourselves unable to fulfill what we believe to be our function.

The INEEL CAB is chartered to provide advice to DOE from various perspectives held by the citizens of Idaho. In fulfilling our charter, we frequently require information from DOE to support our deliberations. This circumstance is no exception. The Board sent a letter to Secretary Bill Richardson on January 27, 1999 that described our dilemma and requested information regarding alternative strategies for complying with the April 30th milestone. We have received no response.

Despite its efforts to open WIPP, DOE has made one grave mistake. The Department has repeatedly misunderstood and under-valued the importance of public involvement. **Preventing meaningful involvement by the INEEL CAB on this topic demonstrates that DOE persists in its failure to embrace the concept that public involvement is a legitimate and appropriate mechanism for informing its decision-making processes within a democratic political system. It also reveals an organizational inability to learn from past mistakes.**

DOE's unwillingness to respond to our request for information has crippled our ability to advise the Department. Although we are disappointed that DOE has chosen to preclude the possibility of more meaningful participation for the CAB, we stand united in making several observations about the present situation. **We offer the following observations in partial fulfillment of our duty to DOE and to our fellow citizens.**

The INEEL CAB fully supports DOE's efforts to open WIPP and we believe that DOE has demonstrated that the facility will allow for safe disposal of transuranic wastes. We also respect the rights of the citizens of New Mexico to manage a permitting process consistent with federal law and the interests of the state.

CITIZENS ADVISORY BOARD, INEEL
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The INEEL CAB has consistently advised DOE to develop contingency plans for programs that carry significant programmatic risk. DOE has responded to our numerous recommendations to that effect by stating that development of detailed contingency plans would be too expensive under tight budgetary constraints.

For example, our recommendation on the *Draft Accelerating Cleanup: Paths to Closure* document, dated April 30, 1998, noted several conditions that we perceived as vulnerabilities in INEEL's transuranic waste program. DOE's apparent reliance on timely resolution of legal actions and issuance of a Resource Conservation and Recovery Act permit to support shipment of INEEL waste to WIPP prompted a recommendation that DOE develop contingency plans to ensure its ability to comply with the Settlement Agreement. DOE dismissed the recommendation as a choice "not to expend the considerable resources that would be necessary to develop detailed contingency plans."

We conclude that DOE's unwillingness to develop contingency plans contributed to the potential violation of the April 30, 1999 milestone. The present situation was simply too predictable for it to be acceptable.

The Settlement Agreement does not require shipment to WIPP. We believe the choice of wording that would allow shipment to an "other such facility" was deliberate.

The Settlement Agreement fell under scrutiny when its opponents argued that DOE would not uphold its commitments. Those opponents successfully petitioned to put it before Idaho voters in the fall of 1996. **In a statewide referendum, Idaho citizens demonstrated overwhelming support for the Settlement Agreement, thereby confirming the Governor's position and demonstrating their trust that DOE would not renege.**

As a federally chartered citizens advisory board striving to represent a range of perspectives held by Idaho citizens, we cannot support DOE's failure to comply with the Settlement Agreement. DOE has failed to meet too many of its past commitments to Idaho for that to be a defensible position. **The INEEL CAB cannot condone or advocate non-compliance with the legally binding Settlement Agreement.**

At its January 1999 meeting, the INEEL CAB considered developing a recommendation that DOE should implement an alternative strategy for meeting the April 30 deadline. Specifically, we discussed the possibility of recommending that DOE make a shipment of transuranic waste for interim storage until WIPP opens. We noted Rocky Flats, Los Alamos National Laboratory, and a Waste Control Specialists facility in Andrews County, Texas, as possible options. **Although we noted these possible options, we have not been able to learn from DOE if they, or any other alternatives, are indeed being considered or are viable.**

The INEEL CAB believes that the waste that would be eligible for shipment to an interim facility is presently stored in a safe and responsible manner. It is possible that alternative facilities exist that can store transuranic waste safely and responsibly. In the absence of additional information about viable alternative sites and assurances that at least one option presents no more risk to human health and the environment than that posed by leaving the waste where it is presently stored, however, the INEEL CAB cannot consider supporting an alternative strategy. **We are unwilling to support imposition of an unsafe situation on another community, just to get it out of Idaho.**

Implementation of a contingency strategy would require shipment of the waste twice, rather than once, to get it from INEEL to WIPP, potentially resulting in higher shipping and handling costs, more radiation exposure, and greater transportation hazards to workers and the general public.

Some of our members fear the remaining roadblocks to the opening of WIPP could prevent the facility from ever opening. These members feel that it would be negligent for the INEEL CAB to support shipment to a storage facility that might become a *de facto* disposal facility over time, especially if that facility is not appropriate for long term stewardship.

The INEEL CAB cannot condone or advocate an alternative strategy for complying with the April 30th milestone without additional information.

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We recognize that a multitude of political and social pressures will come to bear on the pending events. **In light of the expected sequence of events, we are frustrated and disappointed that we cannot advise DOE on this issue.** Very few challenges faced by DOE are of this magnitude, and we would be negligent to ignore the present situation.

We recommend that DOE allow us to serve you as originally intended—as an independent body of citizens that provide advice on issues of relevance and importance. We strongly recommend that DOE not relegate us to a role of advising only on trivial issues.

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Citizens Advisory Board

Idaho National Engineering and Environmental Laboratory

99-CAB-008

January 27, 1999

William B. Richardson
Secretary of Energy
U.S. Department of Energy, Headquarters
1000 Independence Avenue, S.W., MS 7E-079
Washington, DC 20585

Dear Secretary Richardson:

The Idaho National Engineering and Environmental Laboratory (INEEL) Citizens Advisory Board (CAB) understands that consideration is being given to alternative strategies for meeting the requirements of the Idaho Settlement Agreement. In particular, we have been told that one option would involve shipping transuranic (TRU) waste from INEEL to a location other than the Waste Isolation Pilot Plant (WIPP). As I am sure you are aware, the legally binding Idaho Settlement Agreement requires the U.S. Department of Energy to make a shipment of TRU waste out of Idaho by April 30, 1999.

The uncertainty of WIPP opening in time to receive Idaho's initial shipment gives rise to concerns that DOE's Idaho Operations Office (DOE-ID) will not be able to meet that critical compliance deadline. Such a failure to meet the commitments in the Idaho Settlement Agreement will not sit lightly with the Idaho citizens. The INEEL CAB recognizes the magnitude of the dilemma DOE faces should WIPP disallow or delay the INEEL shipment past the April 30, 1999 deadline.

We are also alert to DOE's plans for receipt of foreign research reactor spent nuclear fuel (FRR SNF) from Savannah River Site to the INEEL in the Summer of 1999 and the fact that non-compliance with the April 30, 1999 milestone will preclude receipt of that shipment at the INEEL.

The INEEL CAB recognizes the additional and perhaps significant leverage that prohibiting receipt of the FRR SNF would add to existing pressures to open WIPP. Indeed, we contemplated making a CAB recommendation to preclude consideration of any alternatives to WIPP in order to keep the pressure on DOE to do everything possible to get WIPP open. In light of the INEEL CAB's numerous expressions of strong support for the Idaho Settlement Agreement, however, we found ourselves in a dilemma. We concluded that it would be irresponsible for the CAB to condone or advocate non-compliance with the legally binding Idaho Settlement Agreement. Doubtless such a position would severely jeopardize our integrity as a citizen advisory board.

The INEEL CAB has ardently supported the opening of WIPP based on considerable deliberation, and we want to do what we can to support efforts to open the facility. We recognize that the Idaho Settlement Agreement does not require shipment to WIPP, but allows shipping to an "other such facility." Despite a presentation by DOE-ID at our January 1999 Board meeting (which we believe conveyed as much information as DOE-ID staff felt was appropriate), we find that we know too little about any alternative strategies for complying with the Idaho Settlement Agreement. We believe that any shipment of nuclear materials to any location should not increase risks to human health or the environment during transportation and/or subsequent interim storage. Said another way, we believe that shipment and storage risks at an alternative site should provide advantages to continued in-place temporary storage at the INEEL.

The INEEL CAB has yet to achieve consensus that any alternative to WIPP is acceptable. We will not even attempt trying to achieve consensus on an alternative site again until such

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Attachment 10

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time as we have received additional information about viable alternative site(s) and assurances that the site(s) would present no more risk to human health and the environment than the risk posed by leaving the material where it is presently temporarily stored. In addition, some of our members note that the remaining roadblocks to acceptance of waste at WIPP allow a conclusion that it might never open. At least some of our members feel that it would be negligent for the INEEL CAB to accept shipment to a storage facility that might become a de facto disposal facility in time, especially if that facility is not appropriate for long term stewardship.

In sum, we are not yet able to support a strategy that would involve shipping even a small quantity of TRU to an alternative site. Until such time as we can reach consensus in support of an alternative to WIPP, we will therefore continue to urge DOE to make every effort to accelerate WIPP opening and to make every effort to comply with the Idaho Settlement Agreement. In light of the expected sequence of events, we are frustrated and disappointed that we cannot provide advice to DOE on this issue. Very few challenges faced by DOE are of this magnitude, and we would be negligent to ignore the situation.

We therefore respectfully request a presentation at our March meeting to provide us with an enhanced understanding of the options that DOE might consider for complying with the Idaho Settlement Agreement, assuming that WIPP will not open in the near term. We need such a presentation to meet our members needs for additional information before we can try to reach consensus on what we think DOE should do to resolve this apparent dilemma. We are directing this request to DOE-Headquarters as we believe we have already received as much information from DOE-ID as we will be able to get.

We interpret our commitment to consensus as requiring active consideration of the information available to support a rational conclusion. As a rule, we do not support DOE decisions in the absence of information that would allow us to conclude that DOE has, in fact, selected the best option. As a result, we would like sufficient information about a full range of options to allow our entire membership to determine how comfortable they are with each option.

We understand that DOE might not really want our advice on this pending decision. We recognize that a multitude of political and social pressures will come to bear and that the decision may fall outside the Department's purview. We urge you to embrace this request in its sincerity and allow us to serve you as originally intended—as an independent body of citizens that provide advice on issues of relevance and importance.

We await your reply and stand ready to accommodate the needs of the presenter of your choosing.

Sincerely,

Charles M. Rice
Chair, INEEL CAB

cc: John Wilcynski, DOE-ID
James Owendoff, DOE-HQ
Stan Hobson, INEEL CAB Transuranic Waste Committee
Martha Crosland, DOE-HQ
Fred Butterfield, DOE-HQ
Jerry Bowman, DOE-ID
Woody Russell, DOE-ID
Patty Natoni, DOE-ID
Wendy Green Lowe, INEEL CAB Facilitator

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CITIZENS ADVISORY BOARD, INEEL
CHARLES M. RICE
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Citizens Advisory Board

Idaho National Engineering and Environmental Laboratory

99-CAB-081

July 20, 1999

Laura S. H. Holgate
U.S. Department of Energy
Office of Fissile Materials Disposition
P.O. Box 23786
Washington, DC 20026-3786

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Charles M. Rice

Vice Chair:
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Gerald C. Bowman

Jason Staff:
Carol Cole
Amanda Jo Edelmay
Kathy Grebstad
Wendy Green Lowe
Kevin Harris
Lori DeLuca

Dear Ms. Holgate:

Note: The Site-Specific Advisory Board (SSAB) for the Idaho National Engineering and Environmental Laboratory (INEEL), also known as the INEEL Citizens Advisory Board (CAB), is a local advisory committee chartered under the Department of Energy's (DOE) Environmental Management SSAB Federal Advisory Committee Act Charter.

Attached please find a recommendation from INEEL CAB to the U.S. Department of Energy regarding the Supplement to the Draft Surplus Plutonium Disposition Environmental Impact Statement. The recommendation was achieved through consensus on July 20, 1999 at a meeting of the full INEEL CAB held in Idaho Falls, Idaho.

In a letter dated June 11, 1999, the INEEL CAB requested an extension in the comment period for this document. We have received no response to that request. We have been told by Patty Natoni (DOE-ID's Assistant Coordinator for the INEEL CAB), however, that no extension was granted. We nonetheless preferred to attempt consensus on this recommendation before submitting it, and note that we are aware it will be received past the end of the public comment period. 1

We await your response to this recommendation.

Sincerely,

Charles M. Rice
Chair, INEEL CAB

cc: Stanley Hobson, INEEL CAB Transuranic Waste Committee Chair
Beverly Cook, DOE-ID

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FR019

FR019–1 **General SPD EIS and NEPA Process**

Although it did not extend the comment period, DOE did consider all comments received after the close of that period for the *Supplement to the SPD Draft EIS*. All comments were given equal consideration and responded to as presented in Volume III, Chapter 4.

Carolyn Huntoon, DOE-HQ
Martha Crosland, DOE-HQ
Fred Butterfield, DOE-HQ
Larry Craig, U.S. Senate
Mike Crapo, U.S. Senate
Mike Simpson, U.S. House of Representatives
Helen Chenowith, U.S. House of Representatives
Laird Noh, Chair, Idaho Senate Resources and Environment Committee
Golden C. Linford, Chair, Idaho House of Representatives Resources and Conservation Committee
Jack Barraclough, Idaho House of Representatives Environmental Affairs Committee
Gerald Bowman, DOE-ID
Kathleen Trever, State of Idaho INEEL Oversight
Wayne Pierre, U.S. Environmental Protection Agency Region X

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CITIZENS ADVISORY BOARD, INEEL
CHARLES M. RICE
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Citizens Advisory Board
Idaho National Engineering and Environmental Laboratory

Supplement to the Surplus Plutonium Disposition Draft Environmental Impact Statement

The Surplus Plutonium Disposition (SPD) Environmental Impact Statement (EIS) is being prepared to support the U.S. Department of Energy's (DOE) decisions related to the management and disposition of surplus plutonium. The Idaho National Engineering and Environmental Laboratory (INEEL) Citizens Advisory Board (CAB) has persistently requested copies of the SPD EIS and related documentation, including the Supplement to the draft EIS that was released for public comment on May 14, 1999. In addition, the CAB has submitted two consensus recommendations to date on the EIS.

DOE's reluctance to provide adequate numbers and timely distribution of the Supplement leads this Board to conclude that the DOE is disinterested in comments generated by citizen groups. Additionally, it is this Board's distinct impression that the Office of Fissile Materials Disposition is, at best, nonchalant about the concerns of a Site Specific Advisory Board chartered and funded under the U.S. Department of Energy's (DOE) Environmental Management program. The INEEL is considered as an alternative for two of the three facilities evaluated in the EIS, including a facility to disassemble pits and another to fabricate plutonium dioxide. INEEL is not considered a preferred site for either facility at this point in time. We are nonetheless interested in this important decision. 2

We understand that our prior recommendations on the EIS may be reflected in the comment response document that will be included with the final EIS. We are disappointed, however, to find no evidence in the Supplement that our prior recommendations are being considered. We had recommended that the EIS provide vigorous analysis (equivalent to that provided for the other alternatives) of a "full immobilization alternative" involving immobilization of the entire inventory (50 tons) of weapons-usable plutonium. Our specific comment on the Draft EIS was "The INEEL CAB recommends that the total immobilization option be given full consideration and rigorous discussion in this EIS." 3

The Supplement offers further evidence that DOE prefers the "hybrid" alternatives (those involving fabrication of some inventory as mixed oxide fuel [MOX]), despite the fact that the Draft EIS did not include analysis of the full immobilization alternative. DOE's awarding of a $130 million contact to "further develop the MOX options" (involving actions that would be completely unnecessary under the full immobilization alternative) provides further evidence that a decision has already been made. In addition, the contractor has suggested modifications of processes within the alternatives and DOE has made those modifications. 4

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FR019

FR019–2 **General SPD EIS and NEPA Process**

Since the inception of the fissile materials disposition program, DOE has supported a vigorous public participation policy. Approximately 1,300 copies of the *Supplement* were mailed, and Notice of Availability postcards were mailed to an additional 5,800 members of the public. Various means of communication—public hearing, mail, a toll-free telephone and fax line, and a Web site (http://www.doe-md.com)—were provided to facilitate the public dialogue. The channels of communication were open to all interested individuals and organizations.

FR019–3 **Alternatives**

The purpose of the *Supplement* was to give the public the opportunity to comment on the reactor-specific information that was not available at the time the SPD Draft EIS was published. The *Supplement* included the Environmental Synopsis (prepared on the basis of the Environmental Critique which DOE also prepared for the source selection board to consider prior to the award of the MOX fuel fabrication and irradiation services contract), a description of the affected environment around the three proposed reactor sites, and analyses of the potential environmental impacts of operating these reactors using MOX fuel (Appendix P and Sections 3.7 and 4.28 of this SPD EIS, respectively). Comments on the SPD Draft EIS and their responses are presented in Volume III, Chapter 3.

Both the draft and final SPD EIS analyze "full immobilization alternatives" where all 50 t (55 tons) of surplus plutonium would be immobilized at either Hanford or SRS, with pit disassembly and conversion taking place at either Pantex or SRS. In this SPD EIS, a total of four "full immobilization alternatives" (Alternatives 11A, 11B, 12A, and 12B) are analyzed, all of which have been given full consideration.

FR019–4 **General SPD EIS and NEPA Process**

DOE has prepared this SPD EIS in accordance with the provisions of NEPA (42 U.S.C. 4321 et seq.) and the related CEQ and DOE implementation regulations (40 CFR 1500 through 1508 and 10 CFR 1021, respectively). The primary objective of the EIS is a comprehensive description of proposed surplus plutonium disposition actions and alternatives and their potential

The INEEL CAB understood that the National Environmental Policy Act (NEPA) requires federal agencies to (1) evaluate the impacts of a full range of reasonable alternatives and (2) provide the public an opportunity to review and comment on the results of that analysis **before** making a decision that might have significant environmental impacts. It appears that DOE chose its preferred course of action behind closed doors, prior to completing its analysis of a full range of alternatives and without the benefit of public participation. Hence, the INEEL CAB suggests that DOE's strategy for compliance with NEPA is flawed. 4

The Supplement states that the facilities and associated work forces will be much larger than had been indicated in the draft EIS. Such adjustments may be proper and appropriate. We question, however, how a doubling of floor space and a significant increase in the work force would have no effect on the rate of treatment or on the rate of total output. **The INEEL CAB recommends that the Final EIS provide additional explanation as to why DOE believes the increases are necessary. The CAB also recommends the addition of an explanation as to why the increases would not result in any increase in the rate of treatment nor the rate of total output of treatment.** 5

The INEEL CAB recommends that the final EIS include a thorough presentation of all costs associated with making the MOX fuel (that would be fabricated under the hybrid alternatives) viable for use by the private power industry. Such costs could include 1) retrofitting of reactors (if needed), 2) relicensing of reactors (when necessary), and 3) providing financial incentives to encourage the power industry to burn MOX fuel instead of other, less expensive fuels. Such information is needed to allow the public to compare among the alternatives considered and evaluated. 6

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environmental impacts. DOE has analyzed each environmental resource area in a consistent manner across all the alternatives to allow for a fair comparison among the alternatives and among the candidate sites for the proposed surplus plutonium disposition facilities. As discussed in Section 2.1, the disposition facility alternatives, immobilization technology alternatives, and MOX fuel fabrication alternatives evaluated are consistent with the decisions given in the ROD for the *Storage and Disposition PEIS*. Impacts for both technologies and all alternatives are summarized in Section 2.18 and Chapter 4 of Volume I, and complete analyses are provided in the appendixes. Alternatives 11 and 12, the 50-t (55-tons) immobilization cases, are fully analyzed.

DOE conducted a procurement process in accordance with DOE NEPA regulations 10 CFR 1021.216. The selected team, DCS, would design, request a license, construct, operate, and deactivate the MOX facility as well as irradiate the MOX fuel in domestic, commercial reactors. However, these activities are subject to the completion of the NEPA process. As stipulated in DOE's phased contract with DCS, until and depending on the decisions regarding facility siting and approach to surplus plutonium disposition are made and announced in the SPD EIS ROD, no substantive design work or construction can be started by DCS on the MOX facility. Should DOE decide to pursue the No Action Alternative or the immobilization-only approach, the contract with DCS would end. The contract is phased so that only nonsite-specific base contract studies and plans can be completed before the ROD is issued, and options that would allow construction and other work would be exercised by DOE if, and only if, the decision is made to pursue the MOX approach.

FR019–5 **Immobilization**

As discussed in Section 1.7.4, increased space requirements were incorporated into this SPD EIS to accommodate several refinements to the immobilization and MOX facilities designs analyzed in the SPD Draft EIS. Changes to the immobilization facility design include lengthening the process gloveboxes; doubling the material conveyor length; changing to a vertical ceramification stack; increasing the heating, ventilation, and air conditioning systems and electrical support to correspond with the increased process space; enlarging

the space required for maintenance activities; and increasing the size of the canister loading facility. These design changes correspond with increased operating workforce requirements of approximately 24 to 33 percent, on average, at Hanford and SRS.

The increased space requirements associated with the revised MOX facility design reflect additional space proposed by DCS; incorporation of a plutonium-polishing capability; and incorporation of administrative space that had been proposed within separate support facilities in the SPD Draft EIS. Although the size of the MOX facility has increased, DCS proposes to operate the facility with approximately 11 percent fewer workers.

None of these modifications are associated with increasing (or decreasing) the total capacity or throughput of either facility; rather, they simply reflect refinements to each facility's proposed dimensions, process design, and associated workforce. As stated in Section 2.4, the immobilization facility would still disposition up to 5 t (5.5 tons) per year over a ten-year period to accommodate alternatives for immobilizing all 50 t (55 tons) of plutonium. The same facility would immobilize an average of 1.7 t (1.9 tons) per year over a ten-year period under the hybrid alternatives. Similarly, the MOX facility would still process an average of 3.3 t (3.6 tons) per year over a ten-year period under all hybrid alternatives.

FR019–6 **Cost**

Although cost will be a factor in the decisionmaking process, this SPD EIS contains environmental impact data and does not address the costs associated with the various alternatives. A separate cost report, *Cost Analysis in Support of Site Selection for Surplus Weapons-Usable Plutonium Disposition* (DOE/MD-0009, July 1998), which analyzes the site-specific cost estimates for each alternative, was made available around the same time as the SPD Draft EIS. This report and the *Plutonium Disposition Life-Cycle Costs and Cost-Related Comment Resolution Document* (DOE/MD-0013, November 1999), which covers recent life-cycle cost analyses associated with the preferred alternative, are available on the MD Web site at http://www.doe-md.com and in the public reading rooms at the following locations: Hanford, INEEL, Pantex, SRS, and Washington, D.C.

COALITION 21
GEORGE A. FREUND
PAGE 1 OF 1

Coalition 21 has previously whole heartedly supported the MOX strategy for disposing of surplus-weapons-useable plutonium. Nothing in the Supplement to the DEIS causes us to waver in that support. MOX not a bomb project but a true example of the Atoms for Peace concept visualized by President Eisenhower. Of all forms of plutonium, surplus weapons-useable plutonium presents a threat to proliferation of nuclear weapons second only to theft of existing nuclear weapons by terrorists. The nuclear fuel produced by the MOX process would be used "once-through" in commercial nuclear power reactors. This step would eliminate much of the plutonium. The remainder would achieve the standard recommended by the National Academy of Science to make plutonium unattractive for use in weapons. The end product from this use would merely replace an equivalent amount of spent nuclear fuel that meets the same standard. The argument by MOX opponents that this strategy furthers a "plutonium economy" is at the least overblown. Russian scientists argue that immobilization (the alternative preferred by MOX opponents) leaves the plutonium in a weapons-useable form that can be chemically retrieved. Simply put, immobilization might deter terrorists from attempting to retrieve the plutonium but it would not discourage a government (including our own in Russia's eye) from doing so. We see merit in that argument. 1

WR008

WR008–1 **Alternatives**

DOE acknowledges the commentor's full support of the MOX approach. DOE has identified as its preferred alternative the hybrid approach. Pursuing both immobilization and MOX fuel fabrication provides the United States important insurance against potential disadvantages of implementing either approach by itself. The hybrid approach also provides the best opportunity for U.S. leadership in working with Russia to implement similar options for reducing Russia's excess plutonium in parallel. Further, it sends the strongest possible signal to the world of U.S. determination to reduce stockpiles of surplus plutonium as quickly as possible and in a manner that would make it technically difficult to use the plutonium in nuclear weapons again.

NAS is currently conducting studies to confirm the ability of the ceramic can-in-canister immobilization approach to meet the Spent Fuel Standard. DOE is confident that immobilization remains a viable alternative for meeting the nonproliferation goals of the surplus plutonium disposition program.

HUEBNER, MARTIN
PAGE 1 OF 2

Subject: Plutonium disposition via electric power reactor
Comments: In over thirty years of environmental activism as a private citizen (in probably a hundred formal public hearings in the Western U.S.) I have learned several almost immutable facts. Bear in mind these hearings were primarily on natural resource issues regarding dams, timber cuts, mining, fish and game issues, etc. but a small percentage were also DOE hearings.

1) There are those whose call themselves "environmentalists," and assume this fasle identity when attending DOE hearings. They apparently cloak themselves in this assumed identity to provide a false a false mantle of respectability and responsibility. The rest of the time they refer to themselves in such terms as "nuclear watchdogs" or "peace and ….." advocates. 1

2) In these hundred or so hearings, NOT ONCE did I hear even one representative of these ad hoc "environmental" groups appear, and provide a statement when natural resource issues were the subject of the hearing. These ad hoc "environmentalists" only seem to "come out of the wood works" to belabor the DOE whenever the Department has proposals to accomplish something.

3) Although some representatives of these groups are expert at pointing picayune details and minor flaws in DOE plans (which some might consider a useful service) I have yet to hear them provide even ONE significant constructive comment that would help resolve the issue being discussed.

WR005

WR005–1 **General SPD EIS and NEPA Process**

DOE acknowledges the commentor's support for the MOX approach.

It is DOE policy to encourage public input into these matters of national and international importance. Decisions on the surplus plutonium disposition program will be based on environmental analyses, technical and cost reports, national policy and nonproliferation considerations, and public input.

4) There are a few of these groups that apparently have any people with credentials in the issues being discussed; the representatives are long on rhetoric and pitifully meager in specifics or in related facts. I have been a representative of a venerable (since 1932) environmental organization at recent regional and national "stakeholder" meetings on nuclear waste sponsored by the League of Women Voters. Although the LOWV meetings were well organized, I found few attendees of the "environmentalists/nuclear watchdog" variety who wanted to even hear facts about nuclear wastes, much less discuss them.

5) I understand that a coalition of some 100 international non-government groups have gone on record opposing the plans to convert former weapons-grade plutonium into nuclear reactor fuel for commercial nuclear nuclear power plants. When viewed objectively, as well as from a realistic environmental perspective, the opposition to such plans that directly support international peace objectives is mystifying. I do not understand why such construction plans are opposed by any rational person or group. 1

In view of the above facts and observations, I recommend that the DOE respectfully review the statements of those opposed to ridding the world of weapons grade plutonium in nuclear reactors, then dismiss them for the demagoguery and untruths that they truly are.

WR005

KENNEY, RICHARD A.
PAGE 1 OF 1

Subject: Solve the Problem

Comments: The use of surplus weapons grade PU in the production of MOX and the burning of that MOX fuel in commercial reactors is the only proposed alternative that rids the earth of weapons grade PU. Vitrified weapons grade PU can safely be converted back to a weapons usable PU in a bath tub. Thus, the non MOX alternatives require storage and heavy security protection for thousands of years. I and all my family, associates, and friends strongly support the MOX alternative. 1

WR009

WR009–1 **MOX Approach**

DOE acknowledges the commentor's full support of the MOX approach. NAS is currently conducting studies to confirm the ability of the ceramic can-in-canister immobilization approach to meet the Spent Fuel Standard. DOE is confident that immobilization remains a viable alternative for meeting the nonproliferation goals of the surplus plutonium disposition program.