

Tri-Valley CAREs' scoping comment on GTCC

September 21, 2007

James L. Joyce, Document Manager
Office of Regulatory Compliance (EM-10)
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585-0119

Dear Mr. Joyce:

Tri-Valley CAREs (Communities Against a Radioactive Environment) submits the following "scoping" comments pursuant to the Department of Energy (DOE) Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) for the Disposal of Greater Than Class C (GTCC) Low Level Radioactive Waste.

It is of concern to us that "Greater Than Class C Low Level Radioactive Waste" has not been fully defined. The EIS must include a more specific definition of wastes that will (and will not) be included in this class.

1. The phrase "and GTCC-like waste" likewise prompts concern. What is the full and complete definition of "GTCC-like waste"? What is the DOE's rationale for including what appears to be a somewhat vague quasi-category?
2. Related to the above-definition deficiencies, how is DOE going to ensure that GTCC and GTCC-like do not become "catch all" categories that will lead to disposal of wastes not presently contemplated by DOE. Such vagueness is a serious issue that could render the pending EIS functionally useless and legally inadequate.
3. The DOE reports that the volume of wastes to be addressed in the EIS is estimated at 5,600 m³ containing around 144 million curies of radioactivity. Yet, it is unclear if there are other wastes not presently contemplated that could or will become GTCC or GTCC-like in the future due to blending, treatment and/or decay. The EIS must address each of these and other feasible scenarios, detailing in each how "category creep" will be prevented (or accommodated).
4. The DOE GTCC and GTCC-like waste projections go out to 2062. Given that present DOE plans, including but not limited to the Global Nuclear Energy Partnership and Complex 2030, may result in major increases in GTCC and GTCC-like wastes in the long-term future, shouldn't the waste projections in the EIS be extended to 100 years? If the DOE disagrees, the full discussion and justification should appear in the EIS.
5. The EIS should consider reactor decommissioning that may result in GTCC or GTCC-like wastes after 2062.
6. Related to the above comments, the GTCC EIS should be clear about which proposed programs (and what assumptions about them) are included in its waste projections and which ones are not -- and why. Again, it is of concern to Tri-Valley CAREs that the real, actual wastes that become categorized as GTCC or GTCC-like may exceed the parameters of analysis being proposed at present by DOE.

7. Additional, feasible options for GTCC and GTCC-like wastes should be fully explored in the EIS. In particular, hardened on-site storage (HOSS) at or near the waste generation points should be examined. Such facilities should be constructed to facilitate monitoring and retrieval, if necessary, of the wastes to prevent their migration in the environment. Further, in addition to engineering/construction considerations, the volume and curies of wastes placed in each HOSS facilities should be managed in such a way as to minimize the facility's utility as a terrorist target. It is of concern to Tri-Valley CAREs that HOSS is not included in the NOI. We believe analysis of HOSS options is particularly important because we do not think the methods outlined in the NOI -- enhanced near surface disposal and intermediate borehole disposal -- are likely to be sufficiently protective of the environment in (at least) some locations.
8. Related to comment 8, above, different long-term storage and/or disposal options for different locations should be analyzed in the EIS. For example, if DOE believes a particular generation point is not a feasible location for a HOSS, that should be discussed and DOE's rationale fully explicated. Similarly, if the depth to water table makes intermediate borehole disposal infeasible at a particular location, that should be examined with specificity in the EIS. The most likely scenario is that one size will not fit all. And, therefore, one option will not fit all either.
9. The EIS should not limit its risk and health considerations to "reference man," which is a hypothetical mid-20ish male, 154 pounds, 5'7", and "Western European or North American in habit and custom." Instead, more sensitive and/or impacted populations, including pregnant women and their fetuses, young children, the elderly, people with immune system disorders, and Native Americans who eat a traditional diet off the land should all be considered. Health protection should be considered on the basis of the most vulnerable among us.
10. The DOE should consider whether the appropriate NEPA review may be a Programmatic Environmental Impact Statement rather than an EIS. On its face, a PEIS seems reasonable. GTCC is a connected action and involves multiple sites, for example. If the DOE determines that an EIS by itself is the appropriate NEPA pathway, then the Department should fully explain its rationale in the EIS and consider public comment on it.
11. The GTCC public scoping comments should be placed on the DOE web site. When the draft EIS is released, it too should be placed on the DOE web site -- and all reference documents used in its preparation should likewise be accessible and available on the same DOE web site.
12. The GTCC draft EIS, like other technical and complex DOE EIS', should have a minimum 90 day comment period.

Please include Tri-Valley CAREs in your public notification on the GTCC issue. We would like to receive 2 CD ROMs (or similar) of the draft EIS (or PEIS). Further, we would like to receive 10 copies of the draft document's summary. Please advise us as well of upcoming hearings and/or any other decisions involving GTCC wastes and/or the NEPA process.

Thank you for this opportunity to comment.

Marylia Kelley
Executive Director,
Tri-Valley CAREs