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STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600  
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

June 21, 1996

Ms. Marilyn Reeves, Chair  
Hanford Advisory Board  
800 NW 6th Avenue  
Suite 342  
Portland, OR 97209-3715

Dear Ms. Reeves: *Marilyn*

Thank you for sending us a copy of the Board's comments on the Department of Energy's draft Programmatic Environmental Impact Statement on Storage and Disposition of Weapons Usable Fissile Materials. I am enclosing a copy of the comments submitted by Ecology on behalf of the state of Washington.

Ecology is grateful to have the Board's perspective, and is happy to join the Board in stressing three key principles:

1. The importance of making plutonium storage and disposition decisions in the context of a national equity dialogue about all defense nuclear wastes and surplus materials;
2. The necessity of meeting existing Hanford cleanup commitments; and
3. The applicability of state regulatory authority over additional waste-producing missions at Hanford.

Our letter addresses two points not specifically in the Board's comments. First, we suggest the Department of Energy reconsider its proposal to make long-term storage decisions before deciding on a disposal approach. A decision as to how and where disposal activities will be conducted must come first, in order to minimize expense and transport. We recognize and agree with the Department of Energy's understanding that further environmental analyses will be needed to make siting decisions regarding disposal activities.

Second, we make specific comments about dealing with present plutonium compounds, which pose significant risks at Hanford. We want to be clear that, as plutonium bearing compounds and contaminated materials become mixed wastes, they are properly regulated under state, as well as federal, hazardous waste laws if appropriate. While focusing on materials already at Hanford, we believe our comments also apply to wastes that would be generated during disposal of surplus weapons pits.

As always, we are available to discuss our comments with the Board, should you so desire. Please convey our thanks to the Board for its continuing thorough work, and for its leadership on behalf of an integrated national equity dialogue.

Sincerely,

*Dan Silver*  
Dan Silver  
Assistant Director  
Waste Management Division

Enclosure





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June 7, 1996

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

Dear Sir or Madam:

Thank you for the opportunity to comment on the draft Programmatic Environmental Impact Statement (PEIS) for the Storage and Disposition of Weapons-Usable Fissile Materials (DOE/EIS-0229-D). We have reviewed the document and have the following comments. Our general comments are essentially the same as those presented at the Richland hearing, April 11, 1996, by Max Power, on behalf of Washington Department of Ecology (Ecology).

Governor Mike Lowry set forth five key points during scoping for the PEIS and in the Plutonium Roundtable Forum held in Seattle, October 6, 1995. The five key points were as follows:

- **Nonproliferation** - Action to convert weapons usable plutonium to forms that discourage weapons use is urgent. The United States needs to be seen as acting forcefully and with public support to assure that this material is not available for reuse in nuclear weapons. The consequences of *not* acting are immense.
- **Equity** - All the states and regions of the country benefited from the defense provided by nuclear weapons. Now all need to take an equitable share in the overall costs and risks of closing the circle on production of nuclear weapons material. Washington State has borne more than its share of the costs and risks in the past. We have both expertise and facilities that can help deal with plutonium and radioactive wastes, but we are only willing to play a role if others assume their fair share of the burdens.
- **Cleanup Commitments** - Washington will not accept additional burdens on Hanford that detract from commitments made or delay the cleanup of the legacy of past contamination.
- **Protection of Public Health and Safety** - Any action to deal with plutonium must protect the peoples' safety and security as well as the environment, and must minimize risks to workers and the public.

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- **Public Involvement.** It is critical to involve the public in examining all alternatives and coming to conclusions about choices and the tradeoffs involved. Public trust and confidence in the decisions made is imperative if we are to provide the strong international leadership needed to permanently remove these materials from weapons use.

Our general comments on the PEIS reflect these principles:

1. We appreciate the effort the United States Department of Energy (USDOE) has made to provide public discussion on complex issues. As selection of disposition options proceeds, USDOE should use information such as that developed in the draft PEIS to contribute to a broader national equity dialogue. Decisions about plutonium storage and disposal must be made in the broader context of such a dialogue, dealing with the treatment, storage, and disposal of all surplus nuclear materials and wastes.
2. We encourage USDOE to take a conservative approach on storage options. It does not make sense to ship significant quantities of plutonium to a consolidated or collocated storage site, only to have to ship it again to yet another site for disposition. Near-term emphasis should be on selection of a disposition approach; long-term storage decisions can then be linked to the configuration of the disposition system.
3. Ecology commends USDOE for the level of analysis and documentation in the PEIS, which:
  - provides a good basis for assessing generic disposition alternatives;
  - recognizes the need for additional NEPA documentation to select disposition sites; and
  - includes sufficient analysis to evaluate storage options once a disposition path is selected.
4. We also emphasize the need to identify the full extent of risks, costs, and technological development needs. Some of this information will be covered in separate documents, which must be available to enable the public to have a proper role in decision-making. All this information will contribute to public awareness and to a meaningful national equity dialogue.
  - The PEIS includes information that puts plutonium disposition in context of the weapons production legacy, e.g. substantial information about wastes, storage facilities, etc. at candidate sites.
  - The PEIS makes reasonable efforts to identify the emissions and waste streams from proposed storage, treatment, and disposal facilities. USDOE is to be commended for using appropriate site-specific data in the conceptual analysis of the disposition options.
  - However, we are concerned that some materials may not be covered in this PEIS or other EIS's.

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5. Therefore, we ask USDOE to clarify how--and how much of--Hanford plutonium stock is included.

- Fig. 1.1.1-1 indicates 1.7 metric tons of Hanford plutonium identified as "surplus." There is approximately another 2.1 metric tons in forms other than spent fuel. Some may be concentrated and become surplus; some may become waste. It is not clear if the latter category, which is explicitly beyond the scope of this PEIS, is included in other programmatic documents.
- The PEIS also needs more explicit discussion about the implications of non-pit forms of plutonium for the configuration of storage, treatment, and disposal options.

In conclusion, the disposal option, or combination of options, selected should:

- minimize overall risk to public and worker health, and to the environment;
- take account of equity among sites and regions;
- not divert resources from or delay cleanup of past contamination at nuclear weapons production sites;
- have a clear and reasonable path forward for the development and implementation of technology; and
- accommodate the plutonium metal scrap and other forms that could nonetheless be used in weapons.

Our specific comments relate especially to points 4 and 5, above. There is considerable need for USDOE to clarify what materials are included in the scope of the PEIS, how these materials will be handled as they come into the "surplus" stock to be stored and disposed, and what regulatory regime will govern their transition.

**Regulatory Applicability:**

Washington State Department of Ecology has concluded that materials which contain Special Nuclear Material (SNM) may be regulated under the Washington Hazardous Waste Management Act (HWMA), under certain conditions. Ecology, therefore, requests further clarification as to the regulations that will govern surplus plutonium and plutonium residues, given that they are no longer needed for their original purposes and have no clearly identified future use.

1. Volume I, Section 1.1.1, and Volume III, Appendix J: USDOE is proposing to immobilize (thermally treat) plutonium (Pu) residues (less than 50% by weight) and transfer those residues to the Hanford Site Solid Waste Management Facilities. The PEIS does not describe the stabilization, concentration, treatment, and storage of Pu residues in sufficient detail to show how USDOE will comply with the state's HWMA. The PEIS should more fully describe USDOE's regulatory approach for Pu residues that are considered waste.