

**Rocky Flats Citizens Advisory Board
Recommendation 96-5**

to the U.S. Department of Energy

on The Waste Management Programmatic Environmental Impact Statement

Approved February 19, 1996

The Rocky Flats Citizens Advisory Board (RFCAB) is aware of the need for a national, comprehensive approach for managing the waste that has been and continues to be generated from the DOE weapons complex. The waste problem is national in scope, as it affects not only DOE sites, but other governments, surrounding communities, and communities through which waste may be transported. We congratulate DOE on the effort undertaken in the WMPEIS. We find, however, that the WMPEIS does not provide a sufficient framework for a national, realistic waste strategy.

In October 1995 the RFCAB issued its recommendation on waste management at Rocky Flats. We pass this along as part of our comments on the WMPEIS. Unfortunately, many alternatives set out in the WMPEIS contradict our previous waste management recommendations. The following information is divided into three sections. There are certain clarifications we are requesting, followed by recommendations previously developed by RFCAB, and new recommendations developed specifically for the WMPEIS.

CLARIFICATIONS

1) Site Capabilities to Package and Store Future-Generated TRU Waste

The WMPEIS states that "All sites are assumed to have adequate capabilities to package and store future-generated TRUW." (6.2.1, Summary) It is not clear that this is the case at Rocky Flats.

DOE should clarify to what extent this assertion is true for Rocky Flats, and all assumptions underlying this assertion. To what degree does the proximity of Rocky Flats to a large metropolitan area figure into the selection of alternatives to package and store future generated TRUW?

2) Amount of Waste

The question of how much waste will actually need to be managed is a crucial one. A comprehensive waste management policy must be based on an accurate and complete estimate of the anticipated potential waste inventory.

Throughout the WMPEIS, various amounts of waste are cited as being the subject of the WMPEIS. The figures listed are not consistent. For instance:

- Table 6.1-1 (Vol.I) lists a 20-year projected inventory of LLMW of 22,000 cubic feet for RFETS.
- Table 6.15-1 predicts LLMW from environmental restoration at RFETS to be 116,000 cubic feet.
- The RFETS contractor has estimated that 194,000 cubic meters of LLMW will be generated, as well as 12,300 cubic meters of LLW (Rocky Flats Accelerated Site Action Project - October 9, 1995) These numbers add significantly to the 20-year projection in the WMPEIS.

A significant amount of the waste to be managed throughout the Complex will come from restoration activities. If the WMPEIS failed to consider this waste, it is a major deficiency. Otherwise, the discrepancy in estimated volumes is notable.

The WMPEIS should clarify its analysis of waste generated as a result of restoration activities, the assumption behind these estimates, and should clearly define the entire inventory of waste addressed in the document.

3) Wind Analysis

Wind analysis (4-105, Vol.I) is from Stapleton International Airport in Denver rather than from the Rocky Flats site. The prevailing winds at Stapleton International Airport are in a pattern opposite to that which exists at RFETS. This mistake also was made in the original siting of Rocky Flats.

Please describe the impact of this mistake on the analysis of alternatives related to the Rocky Flats site.

RECOMMENDATIONS BASED ON PREVIOUS RFCAB POSITIONS

1) Importing Waste to Rocky Flats

The WMPEIS contains alternatives within each category that would allow for shipment of waste to Rocky Flats for treatment. Some alternatives also call for on-site disposal of materials at RFETS. The importation of materials to RFETS and on-site disposal at RFETS is contradictory to RFCAB's previous recommendations: "No waste from other facilities shall be accepted at Rocky Flats for treatment or storage." (CAB Waste Management Recommendation, No.5)

The WMPEIS should not consider alternatives that require materials to be imported to RFETS, nor those that require on-site disposal at RFETS.

2) The Concept of Disposal

All alternatives in the WMPEIS include provisions for "disposal" of material at RFETS or elsewhere. As RFCAB has previously noted, "the concept of waste 'disposal' is misleading due to the toxic and long-lived nature of the wastes." (CAB WM Recommendation, Guiding Principles No.7). Furthermore, "[b]ecause it is unlikely that a waste 'disposal' facility can be guaranteed to contain the contaminants for the life of the waste, CAB opposes the development of such a facility at Rocky Flats." (CAB WM Recommendation, No.1). "Any waste facility must be fully monitorable...and that the waste must be fully and easily retrievable." (CAB WM Recommendation, No.3).

The WMPEIS should not base alternatives on the viability of facilities that may or may not ever be available, and for which the future safety and effectiveness are questionable. Rather, DOE should base alternatives on long term, monitored, and retrievable storage options. Such storage options should allow for upgrades or replacements. Disposal cannot realistically be considered as an alternative when adequate technology for disposal does not exist.

3) Technology Development

The WMPEIS does not consider potential advances in waste management technology, and the effects of such advances on waste management options. There are many public and private sector efforts to develop new technologies. RFCAB has previously recommended that "DOE shall vigorously pursue a research program aimed at developing technologies to make radioactive waste benign (not a potential hazard)." (CAB WM Recommendation, No. 7). In addition, DOE should consider pollution prevention and waste minimization techniques.

The WMPEIS should account for and consider advances in waste management technology.

RECOMMENDATIONS

1) TRU Waste

First, treatment and storage alternatives for TRU waste are not sufficiently analyzed. Treatment and storage decisions are necessarily based on disposal options -- where, when and how waste will be disposed of will determine where, when and how the waste will be treated and stored. Second, assuming that WIPP is the only disposal alternative, and then analyzing it as such, is contrary to NEPA. An Environmental Impact Statement is required to analyze alternatives; a rational decision requires a knowledge of the available choices and their ramifications. Furthermore, RFCAB questions DOE's reliance on WIPP. It is possible that WIPP may never open and in such case alternatives need to be developed to serve as a contingency plan. Finally, WIPP will not hold a significant portion of the TRU waste in the complex. This includes TRU waste from Rocky Flats currently buried at INEL, TRU waste to be generated from the treatment of residues, and that which has been and will continue to be generated from remediation efforts. These many uncertainties raise serious questions as to the feasibility of WIPP as a sole alternative.

DOE should analyze and produce other alternatives for TRU waste, including:

- **At least 2 other disposal sites other than WIPP;**
- **Extended storage at the point of generation;**
- **Regionalized and central extended storage;**
- **Storage options that provide for retrievability;**
- **Adequacy of current standards (WIPP Waste Acceptance Criteria) for long-term storage;**
and
- **Transportation impacts along the corridors to WIPP and other disposal sites.**

DOE should not base any part of any alternative on a waiver of the RCRA Land Disposal Restrictions for WIPP, as that has not yet been granted.

2) High Level Waste

First, storage alternatives for HLW are not sufficiently analyzed. While the WMPEIS states that HLW treatment and disposal are not within the range of decisions to be considered under this PEIS, treatment and disposal are integral parts of a comprehensive waste management policy. Second, as stated above, assuming the existence of and then analyzing a single disposal alternative, Yucca Mountain in this case, is contrary to the intent of NEPA. It may be possible that Yucca Mountain may not be sufficient for all the country's HLW needs. Furthermore, strong state opposition to the site, as well as uncertainties regarding time and space availability prevent current consideration of Yucca Mountain as a reliable disposal site.

DOE should analyze and produce other alternatives for HLW, including:

- **(An)other disposal site besides Yucca Mountain, in case problems with Yucca Mountain prohibit intended use;**
- **Extended storage at the point of generation;**
- **Regionalized and central extended storage;**
- **Storage options that provide for retrievability; and**
- **Transportation impacts along the corridors to Yucca Mountain and other disposal sites**

3) Readability of the WMPEIS

We appreciate DOE's efforts -- such as the development of the summary -- in making this an understandable document for citizens. The document, however, is still unclear in many places. According to the National Environmental Policy Act, an EIS must be a self-contained document written in language that is understandable to the layperson, yet allows for meaningful consideration by decision-makers and scientists. In other words, meaningful public participation depends upon the sufficiency of the information relayed to the public.

DOE should continue to strive to make the WMPEIS and all other documents readable to the layperson, yet sufficiently detailed to allow meaningful review by those educated in a variety of disciplines.

4) Recommendation to Move Forward

The disposition of nuclear and hazardous materials throughout the DOE nuclear weapons complex is a grave concern that affects the citizens and stakeholders in Colorado and throughout the country. This problem is national in scope, and demands a national dialogue for realistic and effective solutions to be reached. Above and beyond the deficiencies detailed previously, the WMPEIS does not consider the scope of the problem, and therefore does not provide the framework needed to determine the best courses of action. We do not believe that the WMPEIS will move waste management at the nuclear weapons complex forward. RFCAB and other stakeholders across the complex dispute basic principles as well as practical details of the WMPEIS.

The RFCAB cannot endorse long-term or permanent disposition of nuclear material until a national dialogue between all affected parties has occurred. **Therefore, RFCAB submits the following general proposal for a national dialogue on waste issues. We recommend that the WMPEIS not be finalized until the results of such a dialogue can be incorporated.**

We envision and propose a comprehensive national dialogue convened by either: a combination of the Environmental Management Site Specific Advisory Board, the Environmental Management Advisory Board, and the State and Tribal Government Working Group; or, a willing non-governmental organization. The general purpose of the dialogue would be to foster communication and education among all affected parties, and to develop and implement a shared decision making process that could be applied to the national issue of nuclear and hazardous materials disposition. The dialogue would include SSAB representatives from each site, and representatives from all affected citizens and stakeholder groups. Representatives from the following would be included: tribal, state and local governments; and environmental, consumer, and taxpayer groups. The DOE, Environmental Protection Agency and the Nuclear Regulatory Commission would serve as ex-officio participants.

Once convened, the dialogue would operate in a completely autonomous fashion. The dialogue would be facilitated by an organization independent of DOE. The dialogue would be comprehensive in both scope and geography. A comprehensive report would result from the dialogue, that would include a comprehensive review of current waste policy and recommendations for a practicable program. Finally, there should be solid commitment from the administration to utilize the results of the dialogue.

It is not our intent - nor, we believe, the intent of the other proponents for a national dialogue - to halt all activities while the dialogue is proceeding. Rather, site-specific waste management activities will continue, and stakeholders would use the WMPEIS as a starting point to discuss national policy and disposition issues.

The Rocky Flats Citizens Advisory Board is a community advisory group that reviews and provides recommendations on cleanup plans for Rocky Flats, a former nuclear weapons plant outside of Denver, Colorado.

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