

February 12, 2020

James Joyce  
Office of Environmental Management (EM-4.21)  
U.S. Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585

Via Email: [DWPFEA@em.doe.gov](mailto:DWPFEA@em.doe.gov)

**RE: Energy Communities Alliance Comments on [Federal Register Notice](#) - DOE's Draft Environmental Assessment for the Commercial Disposal of Defense Waste Processing Facility Recycle Wastewater from the Savannah River Site**

Dear Mr. Joyce,

The Energy Communities Alliance (ECA)<sup>1</sup> appreciates the opportunity to again provide comment on U.S. Department of Energy (DOE) efforts to evaluate its proposed interpretation of the definition of the statutory term “high-level radioactive waste” (HLW) as set forth in the Atomic Energy Act of 1954 and the Nuclear Waste Policy Act of 1982. **ECA supports the release of DOE's Draft Environmental Assessment for the Commercial Disposal of Defense Waste Processing Facility Recycle Wastewater from the Savannah River Site (Draft EA) as another step forward** in considering safe, risk-based alternative disposal paths for waste based on *actual radiological characteristics and risk to human health* arising from the waste, rather than artificial former policy standards that base waste classification on origin.

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<sup>1</sup> ECA is the national association of local governments of communities that host or are affected by DOE and National Nuclear Security Administration (NNSA) activities. ECA's mission is to bring together leadership from DOE-affected communities to share information, establish policy positions, and advocate for common interests to effectively address and increasingly complex set of environmental, regulatory, and economic development needs. ECA board members include local elected officials and community leaders from communities across the DOE complex.

Furthermore, DOE's proposed HLW interpretation is not a new concept, but consistent with the International Atomic Energy Agency's (IAEA) activity-based waste classification scheme and safety standards which call for the specific types and properties of waste to be considered when making disposal decisions.

As ECA has commented previously, our members expect the proposed HLW interpretation, if implemented, could ultimately:

- Reduce years of DOE operations and risks to current host communities;
- Accelerate Hanford, Idaho, and Savannah River tank retrievals and closures<sup>2</sup> – which decreases risk (moving more waste out of those sites more quickly – thereby decreasing risk to the people that live in the communities);
- Decrease the number, size and duration of storage facilities pending availability of a permanent deep geologic HLW repository; and
- Save taxpayers an estimated \$40 billion or more on DOE's Office of Environmental Management program's remaining lifecycle costs.

Like DOE, our local governments are responsible for the health and safety of the communities that currently host the Department's federal facilities. ECA believes DOE must consider technically-defensible alternatives based on science to address waste stored in our communities that could safely be disposed of in the shorter-term, rather than remain orphaned on-site while the politics of developing a deep geologic HLW repository persist.

### **ECA Comments on the EA**

In reviewing the EA, ECA members expressed the following specific comments:

- ECA appreciates that the EA illustrates how the current application of the HLW definition prohibits the disposal of the DWPF recycle wastewater – which does not contain HLW –

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<sup>2</sup> ECA also believes the implementation of the proposed HLW Interpretation could apply to waste currently stored at the West Valley Demonstration Project.

until a geologic repository for HLW is available. Demonstrating the ineffectiveness of existing policy provides justification for DOE's proposal.

- ECA strongly supports disposal of the wastewater at licensed, commercial facilities. ECA believes there is an important role for private companies, such as Waste Control Specialists or EnergySolutions, in supporting DOE efforts to complete the EM cleanup mission.
- ECA applauds the Department for implementing timely stakeholder outreach related to the EA, specifically hosting two informational public hearings: one near the Savannah River Site and one via webinar, shortly after the Federal Register notice regarding the EA was published.
- ECA is concerned that DOE does not provide estimated timelines or schedules for any of the three alternatives considered. While the projected amount of time and number of shipments related to each is outlined, understanding when a campaign could begin can help build transparency, support and trust.
- DOE should provide more information on transportation issues to highlight the exemplary safety record of nuclear waste shipments across the complex. DOE should begin discussions of waste movement and form (liquid or solid), emergency planning, the proven safety of shipping canisters and provide information regarding notifications for state and local officials. This outreach should begin sooner rather than later to ensure robust public participation and to build support. Finally, any analysis regarding transportation should be included in the final Environmental Assessment.

### **ECA Recommendations:**

As noted, ECA supports DOE's efforts, we believe this evaluation is beneficial and we encourage DOE to move forward. To that end, ECA offers the following recommendations as it continues to evaluate the proposed HLW interpretation:

- 1. DOE should provide more information and complete and release an evaluation of the feasibility, costs, and cost savings of classifying covered defense nuclear waste as other than HLW** (such as outlined in [Section 3139 of the National Defense Authorization Act for Fiscal Year 2018](#)). To build support, it is crucial that impacted communities, states and decision-makers see an evaluation and analysis of how DOE's interpretation would impact

cleanup. Only then can the intended and unintended consequences be understood. Information and resources must also be provided for education and outreach efforts to facilitate meaningful stakeholder engagement, validation and endorsement.

- 2. DOE must be transparent and meaningfully engage host communities, state regulators, Tribes and the broader public in the decision-making process.** As noted above, ECA appreciates DOE's outreach efforts related to the EA and urges continued interaction to ensure a common understanding of the timeline, challenges and impacts of DOE's waste management decisions. As DOE has already noted, any changes to how waste is currently managed will still require compliance with the state agreements and performance objectives of a disposal facility as demonstrated through a performance assessment conducted in accordance with all applicable state and federal regulatory requirements.
- 3. DOE should continue to work to identify pilot projects and conduct waste management policy evaluations to better understand alternative approaches and inform future policy decisions.** These projects include demonstrating feasibility of treatment and off-site disposal of Hanford low-activity tank waste and documenting the technical basis for certain treated tank wastes from Savannah River and Idaho to be designated as transuranic waste (TRU) and dispositioned at WIPP or commercial facilities.
- 4. DOE must analyze the impact at each site and communicate it to the public.** Currently every site has questions regarding the change in interpretation. DOE has not provided the data and the policy direction. Questions regarding grouting, for example, continue to be raised. DOE must immediately communicate the actual impact to each site and community based on its proposed actions at the sites. Failure to release the information will likely result in an inability to implement the change in policy successfully and will lead to mistrust and regulator lawsuits – which will continue the delays in reducing risk.
- 5. A deep HLW geologic repository is still needed and must be pursued.** DOE's proposed Interpretation of HLW does not negate the need for a permanent geologic repository.

Regardless of how DOE proceeds, there will still be federal defense HLW requiring permanent disposal in a deep geologic repository. ECA supports moving ahead with the Yucca Mountain licensing process. Even if it is determined that the site is not safe, there will be many lessons learned for DOE, for the Nuclear Regulatory Commission, for the Environmental Protection Agency, and stakeholders that can inform the siting of another high-level waste repository.

ECA appreciates the continued opportunities to provide input on DOE's Interpretation of High-Level Radioactive Waste, and more broadly, on advancing the cleanup mission in the safest, most-efficient and expeditious way.

Many DOE sites across the complex were never intended to store waste yet serve now as *de facto* interim storage sites. Simply leaving waste in place is neither acceptable nor the safest option. ECA looks forward to engaging on all efforts and facilitating discussion of nuclear waste management options that can provide risk-based, technically feasible, cost-effective and safe alternatives for moving waste out of our communities more expeditiously.

Please contact Kara Colton, ECA's Director of Nuclear Policy, by phone at (703) 864-3520 or email at [kara.colton@energyca.org](mailto:kara.colton@energyca.org) with any questions or for any additional information.