



Meeting: Transportation/Waste Committee

Date: August 21, 2007

CAB Members Present: Ted Oom, Chair; Robert Johnson (call-in); Hal Sullivan

Liaisons Present: David Swanson, Nye County

Department of Energy (DOE): Kelly Snyder, DDFO
Frank DiSanza, DOE Federal Project Director

Support Staff: Dr. Helen Neill, University of Nevada, Las Vegas; Rosemary Rehfeldt, Navarro Research and Engineering, Inc.

- A discussion was led by Frank DiSanza, Waste Management Federal Project Director regarding the Greater-Than-Class-C (GTCC) Notice of Intent (NOI) and Environmental Impact Statement (EIS). Following are questions and answers from the discussion.

The Nevada Site Office is thankful to meet with the CAB and answer its Greater Than Class C (GTCC) Notice of Intent (NOI) questions. It is important to understand that the NOI requests the public to express its concerns and questions about the U.S. Department of Energy's (DOE) decision to dispose of this waste. Therefore, the DOE encourages the CAB to formally submit its questions and concerns to the Department through official means.

1. Why is there medical waste included? Where was it generated? How does it tie to DOE?

In the Low-Level Radioactive Waste Policy Amendments Act of 1985 (LLRWPA), the DOE was given the responsibility to dispose GTCC low-level radioactive waste (LLW) regardless of its ownership. Therefore, the Notice of Intent includes medical and reactor wastes from Nuclear Regulatory Commission (NRC) licensees.

The GTCC LLW from medical applications consists of sealed sources, which are typically small, high activity radioactive materials encapsulated in closed metal containers. The sources are used for sterilizing medical products, assisting in the diagnosis and treatment of illnesses, and a number of industrial purposes. The sealed sources are generated at hospitals, laboratories, and industrial facilities throughout the United States.

2. Does NTS already dispose waste that is similar to this waste?

The NRC divides LLW into four categories: Class A, B, C, and GTCC. However, DOE divides radioactive waste into three categories: high-level, transuranic, and low-level waste as defined in DOE Order 435.1. Because of the Order's waste definitions, DOE does not generate GTCC wastes. However, if the DOE were to use the NRC

categories, the NTS has disposed of wastes that would meet the NRC category of GTCC.

3. What is meant by "characteristics similar to GTCC LLW"?

The NOI uses the term "characteristics similar to GTCC LLW" for DOE wastes that do not have an identified path to disposal and have waste characteristics similar to GTCC LLW (i.e. would fall into the NRC category).

For Example: The Waste Isolation Pilot Plant (WIPP) can only dispose defense transuranic waste. Any non-defense transuranic waste does not have an identified path for disposal.

4. Explain enhanced near-surface disposal?

Enhanced near surface is placement of waste in engineered trenches, vaults, or similar structures within the upper 30 meters of the earth's surface. The containment characteristics of these facilities can be enhanced through barriers, deeper disposal, and waste packaging. A conceptual design will be developed and presented in the draft Environmental Impact Statement.

NRC regulations state that GTCC LLW is generally not acceptable for near-surface disposal and must be disposed of in a geologic repository unless alternative proposals are approved by the NRC. The NRC regulations acknowledge that with special processing or design (i.e., enhanced near surface disposal) there may be some instances where GTCC LLW would be acceptable for near-surface disposal.

5. What is meant by intermediate depth borehole disposal?

One alternative that is proposed in the NOI is borehole disposal. In this proposal, the waste would be disposed at a predetermined depth within a borehole and covered with back fill or an engineered barrier to meet the environment, safety, and protective standards under NRC regulations for GTCC waste.

6. What transportation routes will be used? Who controls those routes?

Transportation routes have not been identified at this time. The EIS will include an analysis of the potential impacts from the shipment of waste to the disposal sites under consideration. The public, and local, city, state governments will have input on this subject during the National Environmental Protection Act (NEPA) process. The CAB is encouraged make any comments or concerns known by submitting comments through official means.

7. What is GTCC waste?

The NRC, within its Title 10 Code of Federal Regulations (CFR) 61.55 regulations divides LLW into four categories based on radioactivity and waste form: Class A, B, C, and GTCC, with GTCC being the highest class. As you go up in class, the disposal facility and waste form require greater protective measures.

8. Who is the final decision maker?

As required by the Energy Policy Act of 2005, DOE must submit a report to Congress on the disposal alternatives under consideration and await action by Congress before issuing a Record of Decision. DOE will submit such a report when the final EIS is issued. After Congressional action, the Secretary of Energy or his designee will issue the Record of Decision.

9. What happens now that a NOI has been issued?

The NOI provides notice to the public that the DOE intends to prepare an EIS to evaluate alternatives for the disposal of GTCC LLW. The NOI formally starts the EIS process. It proposes a list of alternatives to be evaluated in the EIS, describes the inventory of GTCC LLW to be analyzed, identifies the dates and locations of the public scoping meetings, and invites public comment on the proposed scope of the EIS.

After the Scoping meetings, EM will prepare a draft EIS. This draft will go to public comment. After the comment period, EM will prepare a Final EIS. When the final EIS is issued, DOE will submit a Report to Congress on the disposal alternatives under consideration and await Congressional action before issuing a Record of Decision.

10. Where at NTS would it be disposed?

The Nevada Test Site is only one of several locations being considered in the NOI. Because the NEPA process is just beginning, it is too early to state where the GTCC waste could potentially be disposed on the NTS. The draft EIS will identify the GTCC disposal location(s).

Mr. DiSanza strongly suggested that the CAB attend the scoping meeting. Many specific questions regarding dosing limits, legacy waste, and WIPP acceptance criteria can be answered by the scientific experts at the meeting. He stated that the CAB's comments and concerns can influence decisions one way or another. He encouraged CAB participation and comment all along the process: the Notice of Intent (NOI), Environmental Impact Statement (EIS), and the Record of Decision (ROD).

Due to concern by the CAB committee, Mr. DiSanza will provide information to Kelly Snyder on how the boreholes are backfilled.

The Committee will decide after the Public Scoping meeting whether or not to conduct another Committee meeting. Helen Neill will create an outline and Hal Sullivan will draft the public comment letter to DOE.

The meeting adjourned at 6:30 PM.