Date:

By email to: [SPDP-EIS@nnsa.doe.gov](mailto:SPDP-EIS@nnsa.doe.gov)

Mr. Jeffrey Galan, NEPA Document Manager

NNSA Office of Material Management and Minimization

Savannah River Site

P. O. Box A, Bldg. 730-2B, Room 328

Aiken, SC 29802

Re: Scoping Comments for the Draft Environmental Impact Statement (EIS) for the Surplus Plutonium Disposition (dilute and dispose) Program

Proposed Shipment of 34 Metric Tons, and Ultimately Up to 48.2 Metric Tons, of Surplus Plutonium to the Waste Isolation Pilot Plant (WIPP)

Dear Mr. Galan:

Please accept my scoping comments about the Department of Energy (DOE)/National Nuclear Security Administration (NNSA) proposed shipment of a new kind of plutonium-contaminated, or transuranic (TRU), waste to the Waste Isolation Pilot Plant (WIPP). DOE plans to dilute up to 48.2 metric tons of “surplus” nuclear bomb plutonium at the Savannah River Site (SRS) and ship 34 metric tons of it to WIPP for disposal. Before I get to my comments, issues and questions, it is important to recount the history of WIPP.

This is an inadequate National Environmental Policy Act (NEPA) process that has been going on for at least 25 years. In the 1990s, DOE completed two environmental impact statements, but neither of them proposed that any of the surplus plutonium would be destined for WIPP. DOE proposed a two-track solution where the plutonium would be immobilized or made into nuclear reactor fuel.

As a New Mexican, I am concerned that DOE/NNSA is not complying with the social contract established with the People of New Mexico before WIPP was opened for disposal of plutonium nuclear bomb waste on March 26, 1999. I note that WIPP is a “Pilot Plant” to demonstrate that the plutonium waste would not leave the underground mine for 10,000 years. Unfortunately, on February 14, 2014, with the explosion of one or more waste drums in the underground mine, waste contamination came to the surface.

Some provisions of the social contract were that WIPP would accept TRU waste only from past nuclear weapons manufacturing. The maximum volume of such waste would not exceed 6.2 million cubic feet in the deep underground disposal facility. WIPP would operate for 25 years and then begin closure, which could take 10 years. Since WIPP opened in 1999, it should end waste disposal in 2024.

The current New Mexico Environment Department (NMED) hazardous waste permit states operations would end in 2024. DOE/NNSA now want to keep WIPP open until 2080 *– or essentially forever –* thus violating the social contract with New Mexicans, like me.

In its April 30, 2020 report, the National Academy of Sciences (NAS) raised concerns about violating the social contract as well as other obstacles to bringing so much diluted surplus plutonium waste to WIPP.

The NAS report noted that U.S. Senator Pete V. Domenici of New Mexico, a strong proponent for WIPP, objected to diluted surplus plutonium at WIPP.

In 2002, Senator Domenici wrote to then DOE Secretary Spencer Abraham, stating:

I want to ensure that high level or weapons material wastes can never be simply diluted in order to comply with criteria for WIPP disposal …. In fact, dilution of weapons materials, simply in order to facilitate disposal, raises serious questions about our adherence to the same international controls on weapon-related materials that we expect other nations to follow.

Further, the WIPP Land Withdrawal Act (LWA) of 1992 was premised on DOE establishing other repositories for TRU waste. As a pilot plant, WIPP was not to be the only nuclear bomb dump.

I note that in the waning days of the New Mexico Governor Susana Martinez Administration, the New Mexico Environment Department approved DOE’s request to change the way it calculated the volume of waste, thereby increasing WIPP’s capacity by approximately 30 percent.

New Mexico U.S. Senator Tom Udall recently expressed his concerns about that waste recalculation. Senator Udall was previously the New Mexico Attorney General during the time when Congress was considering the WIPP LWA. Udall said the volume limits “were a major reason New Mexico agreed to this mission in the first place ….”

Udall continued,

I am encouraging the new administration [of Governor Michelle Lujan Grisham] to take a hard look at this action, and hopeful that it will pause and reconsider this last-minute change that has major ramifications for our state.

Given this history and the statements of our elected officials, the scope of the draft environmental impact statement must include analyses for the following issues and answer the following questions:

1. The 34 metric tons, and ultimately up to 48.2 metric tons, of surplus plutonium was not included previously in the WIPP waste inventory. There could be up to 160,000 55-gallon drums destined for WIPP. Would the proposed 34 metric tons, and ultimately up to 48.2 metric tons, of surplus plutonium fit into WIPP?
2. Would WIPP's legal capacity of 6.2 million cubic feet of waste have to be increased?
3. What's the waste form? DOE claims that the waste is similar to that disposed of at WIPP. Prove it.
4. Would existing requirements for waste characterization have to be changed?
5. How would the disposal of the proposed surplus plutonium affect WIPP's day-to-day operations?
6. How would the disposal of the proposed surplus plutonium change the WIPP five-years recertification process with the Environmental Protection Agency (EPA) that WIPP would not leak for 10,000 years?
7. What would be the proposed schedule for bringing the waste? When would the proposed shipments end?
8. How much would it cost to process and ship the waste?
9. Explain why the plutonium should be transported again. Much of the 34 metric tons was already shipped from the DOE sites at Hanford, Livermore, and Los Alamos to the Savannah River Site (SRS).
10. What are the short-term and long-term transportation risks?
11. What additional emergency preparedness and response would be required along the transportation routes across the country? In New Mexico?
12. Explain why immobilization will not work. One immobilization option was to fill small cans with plutonium that would be mixed with molten glass or ceramic and high-level waste. When the small cans cooled, they would be placed inside a much larger canister that would then filled with the molten high-level waste mixture.
13. Explain why the plutonium cannot be immobilized at the SRS. SRS stores thousands of containers of immobilized high-level waste from the Defense Waste Processing Facility. The draft EIS must discuss how the up to 48.2 metric tons of plutonium could be immobilized and stored at SRS.
14. Much of this diluted waste is part of an international agreement with Russia to downblend plutonium for use in nuclear power plants. Provide information about the agreement and its current status. Explain how the DOE surplus plutonium dilute and dispose proposal meets the terms of the Russia agreement.
15. If the U.S./Russia agreement needs to be renegotiated, what is the timeframe to do so?
16. Will any Record of Decision from this NEPA proposal await completion of the renegotiated agreement?

Thank you for your careful consideration of my scoping comments and inclusion of these issues in the Draft Environmental Impact Statement.

Sincerely,