



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DOE OVERSIGHT DIVISION  
761 EMORY VALLEY ROAD  
OAK RIDGE, TENNESSEE 37830-7072

RECEIVED

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Wendy R. Dixon, EIS Project Manager  
Yucca Mountain Site Characterization Office  
Office of Civilian Radioactive Waste Management  
U.S. Department of Energy  
PO Box 30307, Mail Stop 010  
North Las Vegas, Nevada 89036-0307

EIS001099

Dear Ms Dixon

**Review: Draft Environmental Impact Statement (EIS) for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada**

1... [The Tennessee Department of Environment and Conservation, DOE Oversight Division (TDEC/DOE-O) has reviewed the subject document in accordance with the requirements of the National Environmental Policy Act (NEPA) and associative regulations of 40 CR 1500-1508 and 10 CFR 1021 as implemented.

1 cont. [At present, there are no categorized high level wastes on the Oak Ridge Reservation (ORR). There is, however, a potential for categorizing part of ORR's Special Case wastes (SCW) as High-level waste. Both the preferred alternative and the no-action alternative are, therefore, of importance to the State of Tennessee.

The State recommends contingencies for disposal of any newly categorized 'high level' waste be included in the EIS. In the no action alternative, DOE should evaluate and discuss funds for management and control of *in situ* releases from these wastes.

Two terms have been used in Environmental Impact Statements prepared by DOE since the Waste Management document was issued. They are "Special Case" wastes (SCW) and Special-Performance-Assessment-Required (SPAR) wastes. SPAR wastes are mentioned in the documents on WIPP and Yucca Mountain. SPAR waste is one of the categories of SCW. Nine categories of special wastes are listed in a status report of SCW dated April 29, 1997:

1. Non-certifiable defense transuranic waste
2. Non-defense transuranic waste
3. Greater than class C waste (GTCC) which was originally Special-Performance-Assessment-Required waste
4. Performance Assessment Limited (PAL) waste originally also SPAR waste
5. Fuel and fuel-debris
6. Uncharacterized waste
7. Excess nuclear material
8. Radiation sources
9. DOE-titled waste or material held by Nuclear Regulatory Commission (NRC) licensees.

1 cont. Since characterization of the entire class of Special Case wastes has not been completed, the inventory of each category is uncertain, especially in view of inaccuracies in DOE's past inventory estimates. The amount of Special Case waste that will fall into the Special-Performance-Assessment-Required waste category is not known. DOE should reevaluate Categories 1 and 2 for disposal at WIPP and/or explain why the waste would not meet the WIPP WAC or could not be cost effectively disposed at WIPP. DOE-Oak Ridge Operations is currently preparing and EIS to construct a TRU Processing Facility at ORNL. Categories 1 and 2 of the SCW could be handled by the Oak Ridge treatment facilities and the waste disposed at WIPP. Categories 1, 2, 3 & 4 at present do not have disposal options. The State of Tennessee's position is that DOE should carefully inventory, characterize, verify current safe storage, and identify disposition options for those category 1, 2, 3, & 4 wastes unsuitable for shallow land burial. Categories 5 through 9 should be assessed in detail for potential classification as High-level waste (Radioactive Management DOE Order 435.1) or other categories suitable for disposal options.

Planned disposition of several categories of waste has been documented by DOE. These documents have assumed the absence of certain waste categories at some sites. The preferred (and selected) alternatives contained in these documents do not include contingencies for later discoveries of additional inventory from these sites.

The Records of Decision on WM PEIS, WIPP are already in place. They direct the disposition of some of the ORR wastes. Disposition of Special Case wastes and non-defense wastes, by choice, were not considered in those Records of Decision. As a host State to those unidentified, uncharacterized and unknown amounts of wastes, Tennessee requests that the EIS address the above comments and include options that respond to ORR problems in a timely manner.

If you have any questions concerning the above comments, please contact Earl Leming at (423) 481-0995.

Sincerely



Earl C. Leming  
Director

xc: Justin P. Wilson -- Governor's Policy Office  
Dodd Galbreath - TDEC  
G. Leah Dever - DOE